

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
cor. S/S Philadelphia Rd., SW/S  
of Middle River Road \* ZONING COMMISSIONER  
9519 Philadelphia Road  
15th Election District \* OF BALTIMORE COUNTY  
7th Councilmanic District  
Legal Owner: Stanley E. Lloyd \* Case No. 97-395-A  
Lessee: Philadelphia Rd., CVS, Inc.  
Petitioners

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an Amended Petition for Variance for the property located at 9519 Philadelphia Road in eastern Baltimore County. The Petition was filed by Stanley E. Lloyd, property owner, and Philadelphia Road, CVS, Inc., Lessee. As amended, the Petition seeks variance relief as follows:

1. From Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to allow a drug store with 48 parking spaces in lieu of the required 50 spaces; and
2. From Section 409.8.A.1 of the BCZR and Sec. IXC.2b(3) of the Landscape Manual to allow a commercial use with a planting strip along the rear property line abutting a residential zone with a variable width of 7.2 ft. to 10.8 ft. in lieu of the required 10 ft.; and a side property line abutting a residential use in a commercial zone with a 6.6 ft. wide planting strip in lieu of the required 10 ft.; and
3. From Section 409.8.A.4 of the BCZR to allow parking spaces in a surface parking facility for a non residential use that are 5 ft. from a right of way line in lieu of the required 10 ft.

All of the subject relief and requested variances are more particularly shown on the Amended Plat to accompany the Petition for Variance marked as Petitioners' Exhibit No. 1.

CASE RECORDED FOR FILING  
Date 7/18/97  
By [Signature]

Appearing at the public hearing held for this case were William H. Knott and Daniel C. Venable on behalf of the Petitioners. Also present was Thomas J. Hoff, a landscape architect who prepared the site plan. The Petitioners were represented by Anthony J. DiPaula, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is roughly rectangular in shape, approximately .839 net acres in area, zoned B.L. The property is located at the corner of the intersection of Philadelphia Road and Middle River Road in eastern Baltimore County. Presently, the lot is unimproved, however, the Petitioners propose constructing a single story 10,125 sq. ft. CVS Pharmacy Store. Testimony and evidence presented that the store will be a full service pharmacy, which will feature the sale of medicines, limited household goods, seasonal items and similar products. It was indicated that the proposed sized store is the minimum necessary to feasibly develop the site for such a use. In addition to the proposed pharmacy, a parking area will be constructed featuring 28 spaces in the front and 10 employee spaces in the rear. A drive-thru aisle and window is also proposed, all as more particularly shown on the site plan.

The site also enjoys a lengthy zoning history. In case No. 91-498-XA, a special exception for an automobile service center and associated variance relief was granted by the County Board of Appeals in 1992 and later affirmed by the Circuit Court in 1993. Subsequently, an extension of time in which the utilization of the special exception was permitted was approved in May of 1995. Notwithstanding the approval, however, the automobile service center and related retail component were never constructed. Rather, that project was abandoned and ultimately the property owner consummated a lease with Philadelphia Road CVS, Inc.

When the instant case was filed, different variances were sought. Under the original plan for the pharmacy, more parking spaces were proposed, however, at the expense of landscaping. The Petitioners have downsized the proposed parking lot, increased the landscape buffer and amended the Petition. As noted above, 38 spaces are requested in lieu of the required 51 and a slightly diminished landscape buffer than is required is proposed.

Testimony was proffered at the hearing on behalf of Mr. Hoff, the landscape architect and Mr. Venable of CVS, Inc. about the property and project. That proffer included the description of the property and neighborhood as well as a detailed summary of the project. That testimony will not be repeated at length herein; however, was persuasive that the project is an appropriate use of this parcel and will represent an improvement to the area. It is to be noted that other similar commercial uses are located nearby and it appears that the use can be carried at this location without detrimental impact to the surrounding locale. Moreover, the Petitioners' adjustment of the site plan, to reduce parking and increase landscaping, appears appropriate. The increase in landscaping will buffer the use from nearby residential development, while providing adequate parking for the intended use.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Variance. In my judgment, the Petitioner has satisfied the requirements of Section 307 of the BCZR and the case law. The uniqueness of this site is found in its configuration and size, as well as its relationship with neighboring properties. A denial of the variance would surely result in practical difficulty to the Petitioners, in that a permitted use would not be allowed. As noted above, I find no adverse impact on surrounding properties.

cial zone with a 6.6 ft. wide planting strip in lieu of the required 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.4 of the BCZR to allow parking spaces in a surface parking facility for a non residential use that are 5 ft. from a right of way line in lieu of the required 10 ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mnn

ORDER RECORDED & INDEXED  
7/18/19  
[Signature]  
[Signature]  
[Signature]



Baltimore County  
Zoning Commissioner  
Office of Planning

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386

July 16, 1997

Anthony J. DiPaula, Esquire  
Covahey and Boozer, P.A.  
614 Bosley Avenue  
Towson, Maryland 21204

RE: Case No. 97-395-A  
Petition for Zoning Variance  
Property: 9519 Philadelphia Road  
Legal Owner: Stanley E. Lloyd  
Lessee: Philadelphia Road, CVS, Inc., Petitioners

Dear Mr. DiPaula:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
att.

c: Daniel C. Venable, 11729 Beltsville Drive, Beltsville, Md. 20705  
William H. Knott, 15 W. Aylesbury Road, Timonium, Md. 21093



P.P.

RE: PETITION FOR VARIANCE	*	BEFORE THE
9519 Philadelphia Road, Corner S/S Phila-	*	ZONING COMMISSIONER
delphia Road, SW/S Middle River Road	*	
15th Election District, 5th Councilmanic	*	OF BALTIMORE COUNTY
Legal Owner(s): Stanley E. Lloyd	*	
Lessee: Philadelphia Road CVS, Inc.	*	CASE NO. 97-395-A
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14<sup>th</sup> day of May, 1997, a copy of the foregoing Entry of Appearance was mailed to Anthony J. DiPaula, Esq., Covahey & Boozer, 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN



# Petition for Variance

97-395-A

## to the Zoning Commissioner of Baltimore County

for the property located at 9519 Philadelphia Road

which is presently zoned BL

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

PLEASE SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) With the governmental takings that have occurred, the site has become so reduced in size that variances are necessary. The topography of the land makes the variances also necessary. Other reasons to be assigned at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Person/Lessee:

Philadelphia Road CVS, Inc.

(Type or Print Name)

By:

Signature William H. Knott, Asst.

One CVS Drive

Address

Woonsocket R.I. 02895

City State Zipcode

Attorney for Petitioner:

Anthony J. DiPaula

(Type or Print Name)

Covahey & Boozer, P.A.

Signature

614 Bosley Avenue 828-9441

Address Phone No.

Towson, MD 21204

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Stanley E. Lloyd

(Type or Print Name)

Signature

(Type or Print Name)

Signature

2630 Greene Road

557-7000

Address

Phone No.

Baldwin, MD 21013

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

William H. Knott

Name

15 W. Aylesbury Road

308-0050

Address Timonium MD 21093

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

2-3 hr

the following dates

Next Two Months

ALL ☒ OTHER

REVIEWED BY: 2/16 DATE 3/17/97

\* please call attorney before setting

ATTACHMENT TO PETITION FOR VARIANCE - 9515 PHILADELPHIA ROAD

1. 409.6A2 to allow a drug store with 48 parking spaces in lieu of the required 50 spaces.
2. 409.8A1 and §IXC.2b(3) of the Landscape Manual to allow a commercial use without a 10' wide planting strip along the rear property line abutting a residential zone; and without a 10' wide planting strip along the side property line abutting a residential use in a commercial zone.
3. 413.2.F. to allow 1 other business sign of 95.2 square feet per side (190.4 square feet total) in lieu of 3 signs with a total area of 100 square feet as permitted.





# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

9519 Philadelphia Road

which is presently zoned

BL

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

PLEASE SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) With the governmental takings that have occurred, the site has become so reduced in size that variances are necessary. The topography of the land makes the variances also necessary. Other reasons to be assigned at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Philadelphia Road CVS, Inc.

(Type or Print Name)

By:

Signature William H. Knott, Auth. Rep.

One CVS Drive

Address

Woonsocket

R.I. 02895

City

State

Zipcode

Attorney for Petitioner:

Anthony J. DiPaula

(Type or Print Name)

Covahey & Boozer, P.A.

Signature

614 Bosley Avenue

828-9441

Address

Phone No.

Towson

MD

21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Stanley E. Lloyd

(Type or Print Name)

Signature

(Type or Print Name)

Signature

2630 Greene Road

557-7000

Address

Phone No

Baldwin, MD

21013

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

William H. Knott

Name

15 W. Aylesbury Road

308-0050

Address Timonium, MD 21093

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

2 hr.

the following date

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

5/16/95 (revision)



Printed with Soybean Ink  
on Recycled Paper

Revised 9/5/95

ATTACHMENT TO PETITION FOR VARIANCE - 9515 PHILADELPHIA ROAD

1. 409.6A2 to allow a drug store with 38 parking spaces in lieu of the required 51 spaces.
2. 409.8A1 and §IXC.2b(3) of the Landscape Manual to allow a commercial use with a planting strip along the rear property line abutting a residential zone with a variable width of 7.2' to 10.8' in lieu of the required 10'; and a side property line abutting a residential use in a commercial zone with a 6.6 wide planting strip in lieu of the required 10'.
3. 409.8A4 to allow parking spaces in a surface parking facility for a non-residential use that are 5' from the right of way line in lieu of the required 10'.

# 395

**THOMAS J. HOFF, INC.**  
*Landscape Architect and Land Development Consultant*  
1717 YORK ROAD, SUITE 1B  
LUTHERVILLE, MD. 21093  
410-628-9225  
FAX 410-628-9229

97-395-A

March 13, 1997

**Description of 9519 PHILADELPHIA RD, to Accompany Petition for Zoning Variances**

**BEGINNING FOR THE SAME** at a point on the south side of Philadelphia Road (Maryland State Route 7, 80' R/W) at the southwest corner of the intersection of Philadelphia Road and Middle River Road, said point having the coordinate values of N 21,141.65, E 43,859.84.

Thence binding on the south side of said Philadelphia Road,

- (1) South 48 degrees 38 minutes 00 seconds West 164.31 feet;

thence leaving the south side of Philadelphia Road,

- (2) South 40 degrees 49' minutes 50 seconds East 193.76 feet;

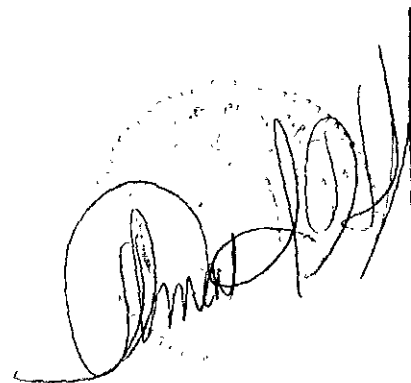
- (3) North 47 degrees 29 minutes 25 seconds East 195.30 feet;

to the west side of Middle River Road, thence binding on the west side of Middle River Road,

- (4) North 42 degrees 36 minutes 58 seconds West 164.90 feet;
- (5) North 86 degrees 59 minutes 29 seconds West 35.74 feet; to the point of beginning containing 0.84 acres of land more or less.

**Note:**

This Description has been prepared for zoning purposes only.



**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #97-395-A  
9519 Philadelphia Road  
corner SS Philadelphia Road,  
SWS Middle River Road  
15th Election District  
5th Councilmanic

Legal Owner(s):  
Stanley E. Lloyd  
Lessor:

Philadelphia Road CVS, Inc.

Variance: to allow a drug store with 48 parking spaces in lieu of the required 50 spaces; to allow a commercial use without a 10 foot wide planting strip along the rear property line abutting a residential zone and without a 10 foot wide planting strip along the side property line abutting a residential use in a commercial zone; and to allow 1 other business sign of 56.2 square feet per side (190.4 square feet total) in lieu of 3 signs with a total area of 100 square feet as permitted.

Hearing: Wednesday, May 7, 1997 at 9:00 a.m., 4th floor hearing room, Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.  
(2) For information concerning the file and/or Hearing, Please Call 887-3391.

4/18/97 April 10 C134006

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., April 10, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 10, 1997.

**THE JEFFERSONIAN,**

*A. H. Williams*  
LEGAL AD. - TOWSON

# **CERTIFICATE OF PUBLICATION**

TOWSON, MD., 6/5, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/5, 1997.

**THE JEFFERSONIAN,**

*A. H. Enick*  
LEGAL AD. - TOWSON

**NOTICE OF HEARING**  
The Planning Commission of Baltimore County is holding a public hearing on the application of Lawrence E. Schmidt, Zoning Commissioner for Baltimore County, for a Variance to allow a drug store with 38 parking spaces in lieu of the required 51 spaces; to allow a commercial use with a planting strip along the rear property line abutting a residential zone and a variable width of 7.2 to 10.8 in lieu of the required 10 ft. and a side property line abutting a residential use in a commercial zone with a 6.6 ft wide planting strip in lieu of the required 10 ft. to allow parking spaces in a surface parking facility for a non-residential use that are 5 ft from the right of way line in lieu of the required 17 feet.  
Hearing: Wednesday, July 2, 1997 at 9:30 a.m. Room 407, Courts Building, 401 Bostley Avenue.  
LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call (410) 887-3333.  
(2) For information concerning the file and/or Hearing, Please Call (410) 887-3339.  
6/09/97 June 5 3748669

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 026683

DATE 5/16/97 ACCOUNT 01-615

By: mtk  
Revision for. 97-395-A AMOUNT \$ 100.00

RECEIVED FROM: F. Vernon Bozzer - 9519 Philadelphia Rd.

FOR: 100% Rec'd 000001% Comm Variance + Side Plan - \$100.01

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER  
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 026717

DATE 01-615 3/17/97 ACCOUNT 01-615

By: mtk  
Rev: 395 AMOUNT \$ 250.00

RECEIVED FROM: F. Vernon Bozzer  
9519 Philadelphia Rd.

FOR: 020-CV - \$250.00

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER  
VALIDATION OR SIGNATURE OF CASHIER  
DIAGNOSTIC MICR 0250.00  
BA 0011011-03-17-97



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 395

Petitioner: Philadelphia Road CVS, Inc

Location: 9519 Philadelphia Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Anthony J. DiPaula

ADDRESS: 614 Bosley Ave

Towson, MD 21204

PHONE NUMBER: 828-9441

AJ:ggs

(Revised 09/24/96)

# CERTIFICATE OF POSTING

RE: Case No.: 97-395-A

Petitioner/Developer: STANLEY E. LLOYD &  
C.V.S. PHARMACY, ETAL  
ANTHONY DIPAOLA  
% PHILADELPHIA ROAD C.V.S., INC.

Date of Hearing/Closing: 5/7/97

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law  
were posted conspicuously on the property located at #9519 PHILADELPHIA ROAD

The sign(s) were posted on \_\_\_\_\_

4/12/97  
(Month, Day, Year)

Sincerely,

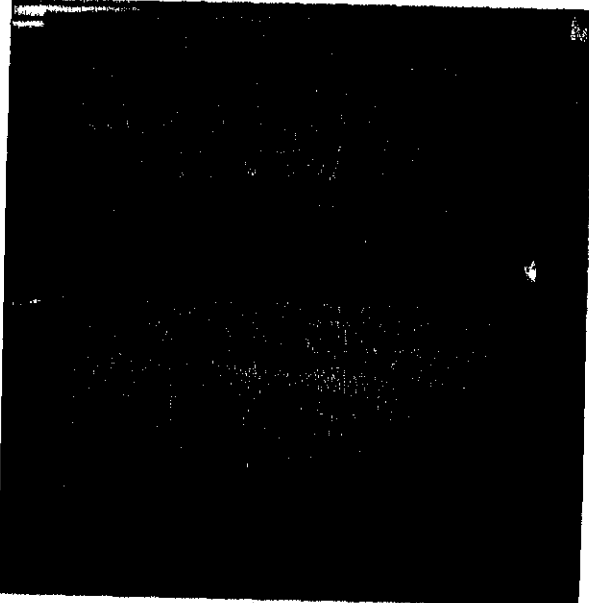
Patrick M. O'Keefe, SR. 4/15/97  
(Signature of Sign Poster and Date)

Patrick M. O'Keefe  
(Printed Name)

523 Penny Lane  
(Address)

Hunt Valley, MD 21030  
(City, State, Zip Code)

(410) 666-5366 Pager (410) 646-8354  
(Telephone Number)



(B)



# 395  
Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than \_\_\_\_\_

Format for Sign Printing, Black Letters on White Background:

## ZONING NOTICE

Case No.: \_\_\_\_\_

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD

PLACE: \_\_\_\_\_

DATE AND TIME: \_\_\_\_\_

REQUEST: to permit 48 parking spaces in lieu of 50, to  
permit a commercial <sup>use</sup> without a 10' wide planting strip along  
the rear + side property lines abutting a residential zone, and  
to permit 1 other business sign of <sup>190.4</sup> sq ft. in lieu  
of 3 signs of 100 sq ft.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PUTUXENT PUBLISHING COMPANY  
April 10, 1997 Issue - Jeffersonian

Please forward billing to:

Anthony J. DiPaula, Esq.  
Covahey & Boozer, P.A.  
614 Bosley Avenue  
Towson, MD 21204  
828-9441

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-395-A  
9519 Philadelphia Road  
corner S/S Philadelphia Road, SW/S Middle River Road  
15th Election District - 5th Councilmanic  
Legal Owner(s): Stanley E. Lloyd  
Lessee: Philadelphia Road CVS, Inc.

Variance to allow a drug store with 48 parking spaces in lieu of the required 50 spaces; to allow a commercial use without a 10 foot wide planting strip along the rear property line abutting a residential zone and without a 10 foot wide planting strip along the side property line abutting a residential use in a commercial zone; and to allow 1 other business sign of 95.2 square feet per side (190.4 square feet total) in lieu of 3 signs with a total area of 100 square feet as permitted.

HEARING: WEDNESDAY, MAY 7, 1997 at 9:00 a.m., 4th floor hearing room, Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

April 7, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-395-A  
9519 Philadelphia Road  
corner S/S Philadelphia Road, SW/S Middle River Road  
15th Election District - 5th Councilmanic  
Legal Owner(s): Stanley E. Lloyd  
Lessee: Philadelphia Road CVS, Inc.

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HEARING: WEDNESDAY, MAY 7, 1997 at 9:00 a.m., 4th floor hearing room, Courts Bldg., 401 Bosley Avenue.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Stanely E. Lloyd  
Philadelphia Road CVS, Inc.  
Anthony DiPaula, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 22, 1997.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



97-1036

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW  
614 BOSLEY AVENUE  
TOWSON, MARYLAND 21204  
AREA CODE 410  
828-9441

EDWARD C. COVAHEY, JR.  
F. VERNON BOOZER \*  
MARK S. DEVAN  
ANTHONY J. DiPAULA \*  
THOMAS P. DORE  
ROGER J. SULLIVAN

FAX 410-823-7530

ANNEX OFFICE  
SUITE 302  
606 BALTIMORE AVE  
TOWSON, MD 21204

May 1, 1997

\* ALSO ADMITTED TO D. C. BAR

HAND DELIVERY

Baltimore County Zoning Office  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

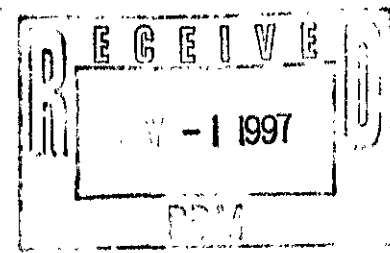
ATTN: Gwen Stephens

RE: 9519 PHILADELPHIA ROAD - CVS PHARMACY  
CASE NO.: 97-395-A  
HEARING DATE: MAY 7, 1997

Dear Gwen:

Please treat this as a request for a continuance of the hearing scheduled for May 7, 1997 at 9:00 a.m. Having received unfavorable comments from the Planning Office, and after meetings with the Planning Department, there have been some substantial revisions to the Plan which also change the variance relief requested. We will be filing an Amended Plan with an Amended Petition within the next ten (10) days or so, along with the requisite fee for filing the Amended Plans which I believe is \$100.00.

Please advise if there is any problem continuing the hearing, and what if any action we should take with respect to the sign posting firm in order to notify the public that the hearing is to be continued. Thank you.



Very truly yours,  
*[Signature]*  
Anthony J. DiPaula

AJD/ds  
5`ds.2

cc: Thomas J. Hoff (via facsimile & first class mail)  
William H. Knott (via facsimile & first class mail)



Baltimore County  
Department of Permits and  
Development Management

*P.P.*  
Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

*Turn*  
May 5, 1997

Anthony J. DiPaula, Esquire  
Covahey & Boozer, P.A.  
614 Bosley Avenue  
Towson, MD 21204

RE: Case Number 97-395-A  
Petitioner(s): Stanley E. Lloyd  
Location: 9519 Philadelphia Road

Dear Mr. DiPaula:

The above matter, previously assigned to be heard on Wednesday, May 7, 1997 at 9:00 a.m. has been postponed per your request dated May 1, 1997. As indicated in your telephone conversation with Mr. Carl Richards today, you will be responsible for notifying all interested parties in this matter.

Please be advised that as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. Enclosed, you will find a listing of those vendors.

If the property has been posted with notice of the May 7th hearing date, then, as quickly as possible, a notice of postponement should be affixed to the sign(s). Then, upon notification of the new hearing date, such sign(s) must be changed to give notice of the new hearing date.

Very truly yours,

Arnold Jablon  
Director

scj

c: Mr. Stanley E. Lloyd  
Mr. William H. Knott



TO: PUTUXENT PUBLISHING COMPANY  
June 5, 1997 Issue - Jeffersonian

Please forward billing to:

Anthony J. DiPaula, Esq.  
Covahey & Boozer, P.A.  
614 Bosley Avenue  
Towson, MD 21204  
410-828-9441

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-395 *A*  
9519 Philadelphia Road  
corner S/S Philadelphia Road, SW/S Middle River Road  
15th Election District - 5th Councilmanic  
Legal Owner(s): Stanley E. Lloyd  
Lessee: Philadelphia Road CVS, Inc.

Variance to allow a drug store with 38 parking spaces in lieu of the required 51 spaces; to allow a commercial use with a planting strip along the rear property line abutting a residential zone and a variable width of 7.2' to 10.8' in lieu of the required 10 ft.; and a side property line abutting a residential use in a commercial zone with a 6.6 ft. wide planting strip in lieu of the required 10 ft.; to allow parking spaces in a surface parking facility for a non-residential use that are 5 ft. from the right of way line in lieu of the required 10 feet.

HEARING: WEDNESDAY, JULY, 2, 1997 at 9:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

May 30, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-395-A  
9519 Philadelphia Road  
corner S/S Philadelphia Road, SW/S Middle River Road  
15th Election District - 5th Councilmanic  
Legal Owner(s): Stanley E. Lloyd  
Lessee: Philadelphia Road CVS, Inc.

Variance to allow a drug store with 38 parking spaces in lieu of the required 51 spaces; to allow a commercial use with a planting strip along the rear property line abutting a residential zone and a variable width of 7.2' to 10.8' in lieu of the required 10 ft.; and a side property line abutting a residential use in a commercial zone with a 6.6 ft. wide planting strip in lieu of the required 10 ft.; to allow parking spaces in a surface parking facility for a non-residential use that are 5 ft. from the right of way line in lieu of the required 10 feet.

HEARING: WEDNESDAY, JULY, 2, 1997 at 9:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Stanley E. Lloyd  
Philadelphia Road CVS, Inc.  
Anthony J. DiPaula, Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 17, 1997.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



# PETITION PROBLEMS

## #395 --- MJK

1. Sign form incomplete/incorrect.

## #396 --- MJK

1. Sign form incomplete/incorrect.

## #397 --- MJK

1. Sign form incomplete/incorrect.

## #401 --- JRA

1. NO sign form in folder.
2. Incomplete description on folder.

## #402 --- JRA

1. NO sign form in folder.
2. Notary section is incorrect/incomplete.
3. No review information on bottom of petition form.
4. Not marked as flood zone on folder.

## #408-- JCM

1. No telephone number for legal owner.
2. Two copies of sign form in folder - why?



# 395

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW  
614 BOSLEY AVENUE  
TOWSON, MARYLAND 21204  
AREA CODE 410  
828-9441

ANNEX OFFICE  
SUITE 302  
606 BALTIMORE AVE  
TOWSON, MD. 21204

97-395-A

EDWARD C. COVAHEY, JR.  
F. VERNON BOOZER \*  
MARK S. DEVAN  
ANTHONY J. DIPAULA \*  
THOMAS P. DORE  
ROGER J. SULLIVAN

FAX 410-823-7530

\* ALSO ADMITTED TO D. C. BAR

March 14, 1997

HAND DELIVERY

Baltimore County Zoning Office  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

ATTN: Mitch Kellman

RE: 9515 PHILADELPHIA ROAD  
CVS PHARMACY VARIANCES


Dear Mitch:

Enclosed please find three (3) Petitions for Variance; three (3) property descriptions; three (3) 200 scale maps; twelve (12) prints; and a check for \$250.00. All revisions discussed at the filing meeting yesterday with myself and Tom Hoff have been made.

Please process this case, send me the receipt, and please have Gwen call me before setting a hearing date to avoid any conflicts.

Thanks.

Very truly yours,

  
Anthony J. DiPaula

AJD/ds  
3+ds.81  
enclosures

97-2307

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW  
614 BOSLEY AVENUE  
TOWSON, MARYLAND 21204  
AREA CODE 410  
828-9441

5/14/97  
48

EDWARD C. COVAHEY, JR.  
F. VERNON BOOZER \*  
MARK S. DEVAN  
ANTHONY J. DIPAULA \*  
THOMAS P. DORE  
ROGER J. SULLIVAN

FAX 410-823-7530

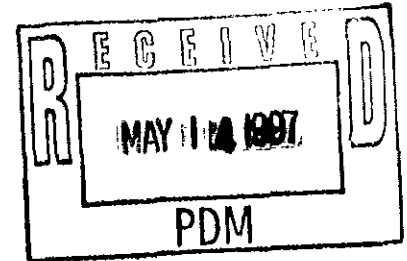
ANNEX OFFICE  
SUITE 302  
606 BALTIMORE AVE  
TOWSON, MD 21204

May 14, 1997

\* ALSO ADMITTED TO D. C. BAR

HAND DELIVERY

Mitch Kellman  
Baltimore County Department  
of Development Management  
111 W. Chesapeake Avenue  
Towson, Maryland 21204



RE: CASE NO. 97-395-A  
CVS PHARMACY  
9519 PHILADELPHIA ROAD

Dear Mitch:

As we discussed, this case was set for hearing on May 7, but was postponed at the Petitioner's request to address concerns and revisions requested by Planning. The site plan as well as the relief requested have been amended and are hereby filed with you along with a check for \$100.00

Please have Gwen Stephens call me to schedule the new date.  
Thanks.

Very truly yours,

Anthony J. DiPaula

AJD/ds  
5`ds.90  
enclosures

cc: William Knott  
Thomas Hoff

# 395

97-395-A  
(revision)

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW  
614 BOSLEY AVENUE  
TOWSON, MARYLAND 21204  
AREA CODE 410  
828-9441

EDWARD C. COVAHEY, JR.  
F VERNON BOOZER \*  
MARK S. DEVAN  
ANTHONY J. DiPAULA \*  
THOMAS P. DORE  
ROGER J. SULLIVAN

FAX 410-823-7530

ANNEX OFFICE  
SUITE 302  
606 BALTIMORE AVE  
TOWSON, MD 21204

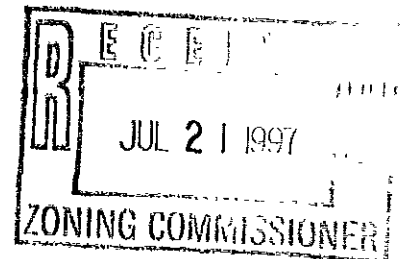
July 22, 1997

\* ALSO ADMITTED TO D. C. BAR

HAND DELIVERY

Lawrence E. Schmidt, Zoning Commissioner  
for Baltimore County  
County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
9515 PHILADELPHIA ROAD  
CVS PHARMACY, INC., PETITIONER  
CASE NO.: 97-395-A



Dear Mr. Schmidt:

Thank you for your decision in the above referenced dated July 18, 1997 and granting the variances for the proposed CVS Pharmacy. If I may impose upon you, however, for some minor corrections, it would be greatly appreciated. Admittedly the file became somewhat confusing in that there was an Amended Petition filed with an Amended Site Plan, and the requests for relief changed between the two.

The relief requested is correctly described within the body of your Findings on the top of Page 3, with respect to parking, however on Page 1, No. 1, the number of spaces requested and required is incorrect, as is, more importantly, those same numbers on the bottom of Page 4 wherein you are ordering the variance for parking to be granted. The correct numbers are 38 to be provided versus 51 required, in both instances. I have attached a marked up copy of the Findings of Fact and Conclusions of Law to illustrate the three (3) areas of the Opinion which are addressed herein.

Could you please amend your decision? Upon receipt thereof, CVS will move promptly and begin the permit process. Thank you.

Very truly yours,

Anthony J. DiPaula

AJD/ds  
7'ds.125  
enclosure  
cc: Thomas Hoff (with enclosure)

IN RE:	PETITION FOR ZONING VARIANCE *	BEFORE THE
	cor. S/S Philadelphia Rd., SW/S	
	of Middle River Road *	ZONING COMMISSIONER
	9519 Philadelphia Road	
	15th Election District *	OF BALTIMORE COUNTY
	7th Councilmanic District	
	Legal Owner: Stanley E. Lloyd *	Case No. 97-395-A
	Lessee: Philadelphia Rd., CVS, Inc.	
	Petitioners	

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an Amended Petition for Variance for the property located at 9519 Philadelphia Road in eastern Baltimore County. The Petition was filed by Stanley E. Lloyd, property owner, and Philadelphia Road, CVS, Inc., Lessee. As amended, the Petition seeks variance relief as follows:

1. From Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to allow a drug store with 48 parking spaces in lieu of the required 50 spaces; and  
38
51
2. From Section 409.8.A.1 of the BCZR and Sec. IXC.2b(3) of the Landscape Manual to allow a commercial use with a planting strip along the rear property line abutting a residential zone with a variable width of 7.2 ft. to 10.8 ft. in lieu of the required 10 ft.; and a side property line abutting a residential use in a commercial zone with a 6.6 ft. wide planting strip in lieu of the required 10 ft.; and
3. From Section 409.8.A.4 of the BCZR to allow parking spaces in a surface parking facility for a non residential use that are 5 ft. from a right of way line in lieu of the required 10 ft.

All of the subject relief and requested variances are more particularly shown on the Amended Plat to accompany the Petition for Variance marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case were William H. Knott and Daniel C. Venable on behalf of the Petitioners. Also present was Thomas J. Hoff, a landscape architect who prepared the site plan. The Petitioners were represented by Anthony J. DiPaula, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is roughly rectangular in shape, approximately .839 net acres in area, zoned B.L. The property is located at the corner of the intersection of Philadelphia Road and Middle River Road in eastern Baltimore County. Presently, the lot is unimproved, however, the Petitioners propose constructing a single story 10,125 sq. ft. CVS Pharmacy Store. Testimony and evidence presented that the store will be a full service pharmacy, which will feature the sale of medicines, limited household goods, seasonal items and similar products. It was indicated that the proposed sized store is the minimum necessary to feasibly develop the site for such a use. In addition to the proposed pharmacy, a parking area will be constructed featuring 28 spaces in the front and 10 employee spaces in the rear. A drive-thru aisle and window is also proposed, all as more particularly shown on the site plan.

The site also enjoys a lengthy zoning history. In case No. 91-498-XA, a special exception for an automobile service center and associated variance relief was granted by the County Board of Appeals in 1992 and later affirmed by the Circuit Court in 1993. Subsequently, an extension of time in which the utilization of the special exception was permitted was approved in May of 1995. Notwithstanding the approval, however, the automobile service center and related retail component were never constructed. Rather, that project was abandoned and ultimately the property owner consummated a lease with Philadelphia Road CVS, Inc.

When the instant case was filed, different variances were sought. Under the original plan for the pharmacy, more parking spaces were proposed, however, at the expense of landscaping. The Petitioners have downsized the proposed parking lot, increased the landscape buffer and amended the Petition. As noted above, 38 spaces are requested in lieu of the required 51 and a slightly diminished landscape buffer than is required is proposed. ]✓

Testimony was proffered at the hearing on behalf of Mr. Hoff, the landscape architect and Mr. Venable of CVS, Inc. about the property and project. That proffer included the description of the property and neighborhood as well as a detailed summary of the project. That testimony will not be repeated at length herein; however, was persuasive that the project is an appropriate use of this parcel and will represent an improvement to the area. It is to be noted that other similar commercial uses are located nearby and it appears that the use can be carried at this location without detrimental impact to the surrounding locale. Moreover, the Petitioners' adjustment of the site plan, to reduce parking and increase landscaping, appears appropriate. The increase in landscaping will buffer the use from nearby residential development, while providing adequate parking for the intended use.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Variance. In my judgment, the Petitioner has satisfied the requirements of Section 307 of the BCZR and the case law. The uniqueness of this site is found in its configuration and size, as well as its relationship with neighboring properties. A denial of the variance would surely result in practical difficulty to the Petitioners, in that a permitted use would not be allowed. As noted above, I find no adverse impact on surrounding properties.

In addition to the above discussion of the proposed variances, a comment is appropriate regarding the drive-thru operation. Testimony and evidence presented was that the number of vehicles served by the drive-thru facility will be limited, when compared with similar facilities. That is, the drive-thru facility will generate significantly less traffic than drive-thru facilities at a restaurant, car wash or bank, for example. It is envisioned that customers will either drop off prescriptions or pick-up medicines at the drive-thru facility but not shop for other merchandise through the drive-thru facility. Based upon the testimony and evidence presented, I am persuaded that the drive-thru aisle arrangement is appropriate for this property. An examination of the site plan is dispositive that sufficient room exists to accommodate vehicles waiting for drive-thru service. Thus, the plan shall also be approved in this respect.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18<sup>th</sup> day of July 1997 that a variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to allow a drug store with 38 parking spaces in lieu of the required 50 spaces, be and is hereby GRANTED; and, 51

IT IS FURTHER ORDERED that a variance from Section 409.8.A.1 of the BCZR and Sec. IXC.2b(3) of the Landscape Manual to allow a commercial use with a planting strip along the rear property line abutting a residential zone with a variable width of 7.2 ft. to 10.8 ft., in lieu of the required 10 ft.; and a side property line abutting a residential use in a commer-

cial zone with a 6.6 ft. wide planting strip in lieu of the required 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.4 of the BCZR to allow parking spaces in a surface parking facility for a non residential use that are 5 ft. from a right of way line in lieu of the required 10 ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mmn





Baltimore County  
Zoning Commissioner  
Office of Planning

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386

August 1, 1997

Anthony J. DiPaula, Esquire  
Covahey and Boozer, P.A.  
614 Bosley Avenue  
Towson, Maryland 21204

RE: Petition for Variance  
Case No. 97-395-A  
Location: 9515 Philadelphia Road  
CVS Pharmacy, Inc.

Dear Mr. DiPaula:

This is in response to your letter of July 22, 1997 regarding the above matter. I have reviewed your letter, the Findings of Fact and Conclusions of Law and Order issued by me in the above case on July 18, 1997 and the site plan, and related exhibits which were submitted in this case. The introductory portion of my opinion, wherein the requested variances are identified is, indeed, erroneous. As clearly set out on the amended Petition and site plan and elsewhere within the opinion, 38 parking spaces are to be provided in lieu of the required 51. As I indicated on page 3, the amended plan was offered to address certain concerns from the Office of Planning; to wit, to increase the landscape buffer and downsize the proposed parking lot. Thus, the opinion and Order should reflect that a variance to permit 38 spaces in lieu of the required 51 is granted.

Under the circumstances, I am attaching a copy of this letter to the original case file so as to reflect the necessary correction. I trust that you will be able to use this letter to secure the necessary permits and to move forward. I apologize if this error has caused any undue delay.

Please do not hesitate to contact me should you need further clarification regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn



# PETITIONER(S)

PLEASE PRINT CLEARLY

~~PROTESTANT(S)~~ SIGN-IN SHEET

NAME

ADDRESS

Anthony J. DiPauli, Esq.

614 Bosley Ave. - 21228

Daniel C. Venable

11729 Beltsville Dr. - Beltsville, MD 20705

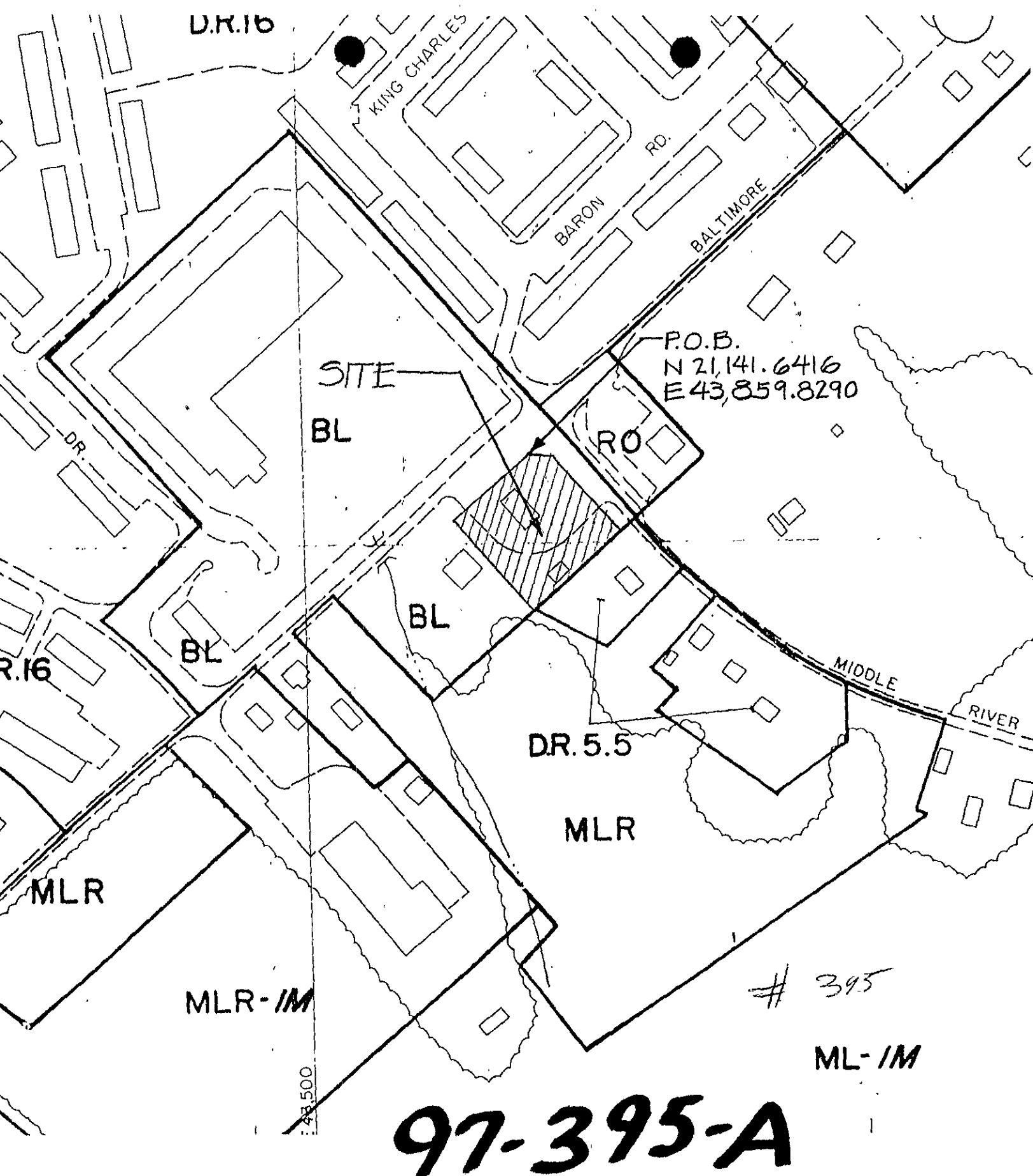
THOMAS J. HOFF

406 W. PENNSYLVANIA AVE. 21204.

William H. Knott

15 West Cylebury 21093





**97-395-A**

COUNTY  
NG AND ZONING  
NING MAP

SCALE 1" = 200' ±	LOCATION POPLAR	SHEET N.E 6-H
DATE OF PHOTOGRAPHY JANUARY 1986		



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

May 7, 1992


Anthony J. DiPaula, Esquire  
COVAHEY & BOOZER, P.A.  
614 Bosley Avenue  
Towson, MD 21204

RE: Case No. 91-498-XA  
Amoco Oil Company

Dear Mr. DiPaula:

Enclosed please find a copy of the final Opinion and Order  
issued this date by the County Board of Appeals of Baltimore County  
in the subject matter.

Sincerely,

  
Kathleen C. Weidenhammer  
Administrative Assistant

encl.

cc: Charles T. Bogdanowicz /Amoco Oil Company  
Mr. Stanley Lloyd  
Mr. Thomas J. Hoff  
Mr. Nicholas Commodari  
Mr. L. Rodney Compton  
Ms. Gloria J. Turner  
Mr. & Mrs. Lawrence Clow  
Ms. Jan Walter  
Mr. Hunter E. Bush  
Ms. Marie Simoes  
Mr. Ed Kormanis  
Mr. Chad Kormanis  
People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, Director of Zoning Admin.

PETITIONER'S  
EXHIBIT No 5

IN THE MATTER OF THE	*	BEFORE THE
THE APPLICATION OF	*	COUNTY BOARD OF APPEALS
AMOCO OIL COMPANY	*	
FOR A SPECIAL EXCEPTION AND	*	OF
VARIANCES ON PROPERTY LOCATED	*	
ON THE SOUTHEAST CORNER	*	BALTIMORE COUNTY
PHILADELPHIA RD AND MIDDLE	*	
RIVER RD (9519 PHILADELPHIA RD)	*	CASE NO. 91-498-XA
15TH ELECTION DISTRICT	*	
5TH COUNCILMANIC DISTRICT	*	
* * * *	*	* * * *

O P I N I O N

This case comes before this Board on appeal from a decision of the Zoning Commissioner denying the requested special exception and thereby rendering the variance requests moot. The case was heard this day in its entirety.

The site is a parcel containing 1.05 acres of land, the bulk of which is zoned B.L.-C.N.S., with a small B.L. strip along one property line. The site is presently improved with a large frame abandoned building that was formerly a restaurant/tavern. The proposal before the Board is to raze this building and construct a gas-and-go service station by the Amoco Oil Company with a convenience store and a self-service carwash. The County Review Group (CRG) has approved this use contingent upon the Petitioner acquiring the necessary special exception.

Testifying for the Petitioner was Charles Bogdanowicz, the Amoco Oil Company project manager and engineer. He testified to the use of the site as proposed and evidenced on Petitioner's Exhibit No. 1 and Petitioner's Exhibit No. 2, which is a duplicate of Petitioner's Exhibit No. 1 color-coded for clarity. In addition to testifying at length to the plan, he specifically noted that at present there are no curbs or gutters on-site and that this plan provides curbing, gutters and sidewalks on both Middle River Road and Route 7. He further testified that no food would be prepared

or consumed on the site but that the convenience store was strictly that --a convenience store. He further testified that the carwash is a two-minute operation strictly self-service and that the plan provides stacking for 20 automobiles availing themselves of the self-service carwash. He further noted that the entire operation was a 24-hour-a-day, 7-day-a-week operation with an attendant on-site at all times. He further testified that the variance requested for the 200.3 square foot sign was a standard Amoco sign and that it needed this much area to be in conformity with the pricing requirements under State regulations.

Thomas Hoff, a landscape expert, did a feasibility study on this site and prepared both plans, Plan 1 and Plan 2. He noted that in the extreme there was room for 52 cars on the site and still provide two-way access. This plan provides for road widening, curbs, gutters, sidewalks and entrances on both Middle River Road and Route 7 that conform to State regulations. He further testified that all the requirements of Section 502.1 of the Baltimore County Zoning Regulations (BCZR) had been complied with, that water and sewer was available to the site, and that the lighting and landscaping as proposed complied with County regulations. He further noted that the zoning manual on gas stations requires that a 6-foot ornamental board-on-board fence be erected on the property line to screen adjacent areas.

L. Rodney Compton, a real estate developer for Amoco Oil, testified that he had studied this site and that it met all the requirements necessary to develop this site. He particularly noted that there were no service stations on Route 7 from Golden Ring Road to the Harford County line, a distance of more than 10 miles.

On cross-examination, he also admitted that on Route 40, which parallels Route 7 less than 1/2 mile away, there were many service stations.

People's Counsel presented Dennis Wirtz, a senior planner for Baltimore County, who testified in opposition to the use of this site as a gas-and-go. It was his opinion that there were other uses under the B.L. zoning that would not impact upon the residential homes in the area to the extent that the proposed service station would.

Lawrence Clow, the property owner to the south of the site, testified in opposition to its use as a service station. It was his opinion that this station was out of character with the neighborhood, that there were ample stations provided along Route 40, and that there was no need for any more gas stations.

Gloria Turner, the president of the Nottingham Improvement Association, testified that traffic was already a problem at this site and that the Association feared the run-off effects of storm water from the site. On cross-examination, she admitted that the Nottingham Improvement Association did not oppose the large shopping center directly across the street.

Hunter E. Bush and Thomas Cagle both testified in opposition to the proposal and the fear that additional problems would be created by its use.

The Board will note that directly opposite the site on Middle River Road there is already commercial use, a 7-11 store. Directly across Route 7 there is a large shopping center. To the west of the site there are two residences and then a large warehousing operation. While there are two houses to the west of the site, one

to the east of the site, and a housing development diagonally across Route 7, this intersection can certainly be considered a mixed-use intersection. The Board will note that when the property was used as a restaurant/tavern there were many complaints about the patrons' behavior, noise, debris, and the parking problems. None of these problems would be apparent in the proposed use. The Board will also note that, while there is a plethora of service stations along Route 40, there are absolutely none along Route 7. This indicates that not only commuters using Route 7 but residents using Route 7 must detour to Route 40 to obtain the services they require. From the testimony and evidence, the Board can see no detriment to the health, safety and welfare of the neighborhood by the proposed use. The Board will further note that the intersection of Middle River Road and Route 7 is already a signalized intersection. From the testimony and evidence, the Board will find as a fact that all the requirements of Section 502.1 of the BCZR have been met, and that Sections 230.13 and 405 have also been complied with. It is therefore the opinion of this Board that the proposed service station complies with all Baltimore County regulations and the petition to grant same is approved. In conjunction with the granting of the special exception for the gas-and-go service station, the variances requested in order to obtain a conformity to Petitioner's Exhibit No. 1 will also be granted.

O R D E R

IT IS THEREFORE this 7th day of May, 1992 by the  
County Board of Appeals of Baltimore County

ORDERED that the special exception to permit an automotive service station gas-and-go in the B.L.-C.N.S. zone be and the same



is GRANTED; and it is further

ORDERED that a food store with less than 5,000 square feet and a carwash as uses in conjunction with the service station be and the same are GRANTED; and it is further ordered

ORDERED that the portion of the property zoned B.L. be permitted use for parking use in conjunction with the carwash; and it is further

ORDERED that the board-on-board fence and screening as proposed on Petitioner's Exhibit No. 2 be and the same is GRANTED and must be in full compliance with all Baltimore County zoning regulations regarding fencing and screening; and it is further

ORDERED that the standard Amoco sign be and the same is GRANTED as depicted on Petitioner's Exhibit No. 1 in compliance with all Baltimore County setback regulations.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett  
William T. Hackett, Chairman

S. Diane Levero  
S. Diane Levero

Michael B. Sauer  
Michael B. Sauer

Lawrence W. Clow	*	In the
People's Counsel	*	Circuit Court
Appellants	*	for
V.	*	Baltimore County
Amoco Oil Company	*	Case No. 92 CV 5341
Appellee	*	

\* \* \* \* \*

OPINION AND ORDER

OPINION

This case is before this Court on appeals by both Lawrence W. Clow and the People's Counsel of the decision of the County Board of Appeals, which reversed the decision of the Zoning Commissioner.

Petitioner Amoco Oil, petitioned for special exceptions for an automotive service station, which included a convenience store and self service car wash, in a commercial zone located at the southeast corner of Philadelphia and Middle River Roads in Baltimore County, Maryland. Petitioner also sought two (2) variances: one for additional footage for its sign, and one for relief from the requirement of a ten (10) foot wide planting strip on the rear of the property line abutting a residential zone. The Zoning Commissioner denied the requested special exceptions, which rendered the variance requests moot.

Amoco Oil appealed this decision to the County Board of Appeals, which heard the case de novo. After hearing all the testimony, the Board rendered its opinion and order, which reversed the decision of the Zoning Commissioner, in that it:

- 1) Granted the special exceptions to allow the service station with the accompanying convenience store and car wash; and
- 2) Granted the variances for the planting strip and sign.

Lawrence Clow and the People's Counsel appealed the Board's decision to this Court. This Court must now decide:

- 1) Whether the County Board of Appeals erred in failing to make proper findings;
- 2) Whether the County Board of Appeals erred in failing to consider the Master Plan?
- 3) Whether the County Board of Appeals' decision was arbitrary and capricious in that it was not supported by the evidence?
- 4) Whether the County Board of Appeals erred in failing to follow regulatory requirements to determine reasonable public need?
- 5) Whether the County Board of Appeals' decision was based on an error of law in construing the standard for the granting of the special exceptions?
- 6) Whether the County Board of Appeals erred in failing to apply the legal requirements to qualify for a variance?

As to issue number one, the Board stated, "From the testimony and evidence, the Board will find as a fact that all the requirements of Section 502.1 of the BCZR have been met, and that Sections 230.13 and 405 have also been complied with." This meant that the Board found that each and every part of §§ 502.1, 230.13 and 405 of the Baltimore County Zoning Regulations have been met. This statement by

the Board satisfies this Court that in all aspects, the Board met its obligation in addressing the issues as to the special exception requested.

As to the second issue, the Board did not err in failing to consider the Master Plan. As both the People's Counsel and Amoco Oil point out, the Master Plan is not mandatory, but instead is only advisory. People's Counsel v. Webster, 65 Md. App. 694, 701-3 (1986). Furthermore, when the board took the Master Plan under advisement, it was not required to specifically discuss it in its opinion; instead, it was just one of many factors for the board to consider and weigh in making its decision.

The next argument that the appellants make is that the Board's decision was not supported by the evidence. This is incorrect. L. Rodney Compton, testifying for Amoco Oil, stated that there were no service stations on Route 7 from Golden Ring Road to the Harford County Line, a distance of over ten (10) miles. Furthermore, Dennis Wirtz, a senior planner from the Baltimore County Planning Office stated on cross examination that there were no service stations within the corridor study area, which encompassed approximately four and a half (4.5) miles of Philadelphia Road.

In addition to being substantial evidence from which the Board could grant the special exceptions, this was also evidence of reasonable public need, because there were no service stations on Philadelphia Road for this ten (10) mile span, and thus, both commuters and residents had to detour to Pulaski Highway to obtain the very automobile services that petitioner is proposing to offer. Furthermore, Mr. Compton testified that over 30,000 cars passed by

the proposed site daily. Thus, the area is heavily travelled and automotive services are likely to be needed by the public in this immediate area.

As to appellants' arguments that the Board's decision was based on an error because it compared the past use of the property to the proposed future use, this is over exaggerated. The Board did not in any great length compare these two uses. Instead, the Board simply noted that as a tavern, there were complaints about the patrons' behavior and noise, debris, and parking problems that would not be present if the property was used for the proposed service station. This was not meant as the Board's basis for its decision, but instead was a side comment.

As to the last issue concerning the variances, the Board states in its opinion upon review of the evidence before it, that Charles Bogdanowicz, Amoco Oil's project manager and engineer, testified that "the variance requested for the 200.3 square foot sign was a standard Amoco sign and that it needed this much area to be in conformity with the pricing requirements under State regulations." Opinion, p.2.

The Board further states in its opinion that Thomas Hoff, a landscape expert who did a feasibility study of the site, testified that "the zoning manual on gas stations requires that a six (6) foot ornamental Board-on-Board fence be erected on the property line to screen adjacent areas." Opinion, p.2.

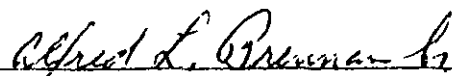
The board then concludes, "In conjunction with the granting of the special exceptions for the gas and go service station, the variances required in order to obtain a conformity to Petitioner's Exhibit No. 1 will also be granted." However, the Board failed to

make any findings of fact of any sort as relating to the requested variances. Then at the end of the findings as to the special exceptions, the Board just tacks it on as if the granting of one means the granting of all. This is an error on behalf of the Board that must be corrected.

Thus, this case will be affirmed as to the County Board of Appeals' decision on the special exceptions, and reversed and remanded on the variance issues, in order that the Board can make specific findings of fact to support its conclusion.

ORDER

It is this 12<sup>th</sup> day of April, 1993, hereby ORDERED that the decision of the County Board of Appeals be AFFIRMED as to the special exception and REVERSED and REMANDED as to the variance request, for findings consistent with this opinion.



Alfred L. Brennan, Sr.

cc: Anthony DiPaula  
Michael Tanczyn  
Peter Zimmerman



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

July 22, 1993

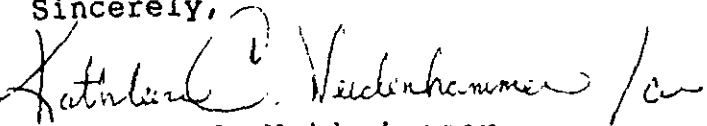
Anthony J. DiPaula, Esquire  
COVAHEY & BOOZER, P.A.  
614 Bosley Avenue  
Towson, MD 21204

RE: Case No. 91-498-XA  
Circuit Court Case No. 92-CV-5341  
Amoco Oil Company

Dear Mr. DiPaula:

Enclosed please find a copy of the Supplemental Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter, pursuant to the Remand Order of the Circuit Court.

Sincerely,

  
Kathleen C. Weidenhammer  
Administrative Assistant

encl

cc: Charles T. Bogdanowicz  
Michael P. Tanczyn, Esquire  
Lawrence W. Clow  
Stanley Lloyd  
Thomas J. Hoff  
Nicholas Commodari  
L. Rodney Compton  
Gloria J. Turner  
Jan Walter  
Hunter E. Bush  
Marie Simoes  
Ed Kormanis  
Chad Kormanis  
P. David Fields  
People's Counsel for Baltimore County

Honorable Alfred L. Brennan, Sr.  
Copy /Circuit Ct File 92-CV-5341  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

7/26/93

IN THE MATTER OF THE APPLICATION *	ON REMAND FROM THE
OF AMOCO OIL COMPANY FOR A	
SPECIAL EXCEPTION AND VARIANCE *	CIRCUIT COURT
ON PROPERTY LOCATED ON THE	
SOUTHEAST CORNER OF PHILADELPHIA *	FOR
ROAD AND MIDDLE RIVER ROAD	
(9519 PHILADELPHIA ROAD) *	BALTIMORE COUNTY
15TH ELECTION DISTRICT	
5TH COUNCILMANIC DISTRICT *	CG Doc. No. <u>24</u>
LAWRENCE W. CLOW, PLAINTIFF *	Folio No. <u>252</u>
	File No. <u>92-CV-5341</u>
ZONING CASE NO. 91-498-XA	

\* \* \* \* \*

SUPPLEMENTAL OPINION PURSUANT TO REMAND ORDER  
OF THE CIRCUIT COURT DATED APRIL 12, 1993

This case comes before this Board on a Remand Order from the Circuit Court for Baltimore County specifically designating that the Board's Opinion and Order address the variances associated with this case.

The first variance seeks relief in the area of the sign which contains 200.3 sq. ft. in lieu of three separate signs of 100 sq. ft. as permitted. Testimony from Charles Bogdanowicz was to the effect that the sign as requested is a standard Amoco sign in use in all their modern gas-and-go stations. He further testified that the State requires that all their gasoline product pricing be displayed on the sign. The Board is therefore of the opinion that to require anything other than the standard sign in use in all their stations would be an unreasonable hardship, and therefore the variance to permit this sign properly installed with proper setbacks should be granted.

The second variance concerns the requirement that a 10-foot setback be provided between the fence and the internal area of the property. Zoning regulations require that a 6-foot board-on-board fence be installed on the property line to screen the station from



the abutting properties. Testimony from Thomas Hoff, a landscape expert, was to the effect that if this variance was denied traffic flow would be impeded. He further stated that the proposed plantings testified to in this case were in excess of those required under Baltimore County regulations. From this testimony, the Board is convinced that the 10-foot setback be reduced to 5 feet on the western property line and reduced to 6 feet abutting the proposed carwash, and therefore this variance should be granted, and will so order. Accordingly, the Opinion and Order of the Board dated May 7, 1992 is supplemented as follows.

O R D E R

ACCORDINGLY, IT IS this 23<sup>RD</sup> day of July, 1993  
by the County Board of Appeals of Baltimore County

ORDERED that the Opinion and Order of the Board dated May 7, 1992 be and is hereby SUPPLEMENTED as follows; and it is

THEREFORE ORDERED that the requested variance for a sign which contains 200.3 sq. ft. in lieu of three separate signs of 100 sq. ft. as permitted be and is hereby GRANTED; and it is further

ORDERED that the requested variances for a 5-foot setback on the western property line and a 6-foot setback abutting the proposed carwash, as shown on Petitioner's Exhibit 2, be and are hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett  
William T. Hackett, Chairman

S. Diane Levero  
S. Diane Levero

Michael B. Sauer  
Michael B. Sauer



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

August 19, 1993

Anthony J. DiPaula, Esquire  
COVAHEY & BOOZER, P.A.  
614 Bosley Avenue  
Towson, MD 21204

RE: Case No. 91-498-XA  
Circuit Court Case No. 92-CV-5341  
Amoco Oil Company /Clarification

Dear Mr. DiPaula:

Enclosed please find a copy of the Clarification of Supplemental Opinion and Order, as requested by letter dated July 30, 1993, issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Charlotte E. Radcliffe  
Legal Secretary

encl

cc: Charles T. Bogdanowicz  
Michael P. Tanczyn, Esquire  
Lawrence W. Clow  
Stanley Lloyd  
Thomas J. Hoff  
Nicholas Commodari  
L. Rodney Compton  
Gloria J. Turner  
Jan Walter  
Hunter E. Bush  
Marie Simoes  
Ed Kormanis  
Chad Kormanis  
P. David Fields  
People's Counsel for Baltimore County

Honorable Alfred L. Brennan, Sr.  
Copy /Circuit Ct File 92-CV-5341  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

7/23/93

IN THE MATTER OF THE APPLICATION \* ON REMAND FROM THE  
OF AMOCO OIL COMPANY FOR A \*  
SPECIAL EXCEPTION AND VARIANCE \* CIRCUIT COURT  
ON PROPERTY LOCATED ON THE \*  
SOUTHEAST CORNER OF PHILADELPHIA \* FOR  
ROAD AND MIDDLE RIVER ROAD \*  
(9519 PHILADELPHIA ROAD) \* BALTIMORE COUNTY  
15TH ELECTION DISTRICT \*  
5TH COUNCILMANIC DISTRICT \* CG Doc. No. 24  
LAWRENCE W. CLOW, PLAINTIFF \* Folio No. 252  
\* File No. 92-CV-5341  
ZONING CASE NO. 91-498-XA \*  
\* \* \* \* \*

CLARIFICATION OF SUPPLEMENTAL OPINION PURSUANT TO REMAND ORDER  
OF THE CIRCUIT COURT DATED APRIL 12, 1993

On July 22, 1993, this Board issued its Supplemental Opinion Pursuant to Remand Order of the Circuit Court. The Board is now in receipt of a request for clarification from Counsel for Petitioner by letter dated July 30, 1993. In response to that request, clarification is provided by way of the following Amended Order.

O R D E R

ACCORDINGLY, IT IS this 20<sup>TH</sup> day of AUGUST, 1993 by the County Board of Appeals of Baltimore County

ORDERED that the variance requested by the Petitioner, regarding the two conflicting sections of the Baltimore County Zoning Regulations requiring a 10-foot planting strip when a service station abuts residential property be and is hereby GRANTED, and the 6-foot fence is to be erected on the southerly property line with a 10-foot planting strip on the Amoco side of the fence; and the screening abutting the carwash may be reduced to 6 feet if the carwash building is not located on the property line, all in accordance with Petitioner's Exhibit 2.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett  
William T. Hackett, Chairman

S. Diane Levero  
S. Diane Levero

Michael B. Sauer  
Michael B. Sauer

Baltimore County Government  
Department of Permits and  
Development Management



111 West Chesapeake Ave.  
Towson, Md. 21204

(410) 887-3335

April 15, 1997

Thomas J. Hoff, Inc.  
1717 York Road, Suite 1B  
Lutherville, MD 21093

RE: CVS/Pharmacy  
PDM No. XV-548  
DRC Number 03247G, Dist.15C5

Dear Sir:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland and as provided in Section 602 (d) of the Baltimore County Charter and Section 26-132 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal or modification of a license, permit, approval, exemption, waiver or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to insure compliance with Section 26-171 and Section 26-211 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management.

The DRC has in fact met in an open meeting on March 24, 1997, and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 26-171 (A)(7) with comments from the Department of Public Works and the Office of Planning.

Now that you have received an A-7 limited exemption, please proceed with building permit application.

*Petitioner Wob*

Thomas J. Hoff, Inc.  
CVS/Pharmacy  
April 15, 1997  
Page 2

A copy of this letter must be presented when submitting engineering/construction plans to this office and/or when applying for a building permit.

Please be advised that Phase 2 review fees may apply, depending on the amount of site disturbance and/or the requirement of a Public Works Agreement, also, please be advised that sidewalks will be required.

Herein find a commercial site plan checklist which will serve as a guide when preparing plans for building permit applications. Please be advised, plans not meeting minimum checklist requirements will not be accepted for filing, which will consequently delay building permit approval. Please note, the "conceptual" plan required for DRC review, does not necessarily meet the checklist guidelines. Therefore, it should not be assumed that the DRC plan is acceptable for building permit applications.

Should you have any questions regarding the above, please contact the Zoning Review Section at 887-3391.

I have reviewed the recommendations carefully and I have determined to adopt the recommendations set forth above. It is this 15th day of April, 1997, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,

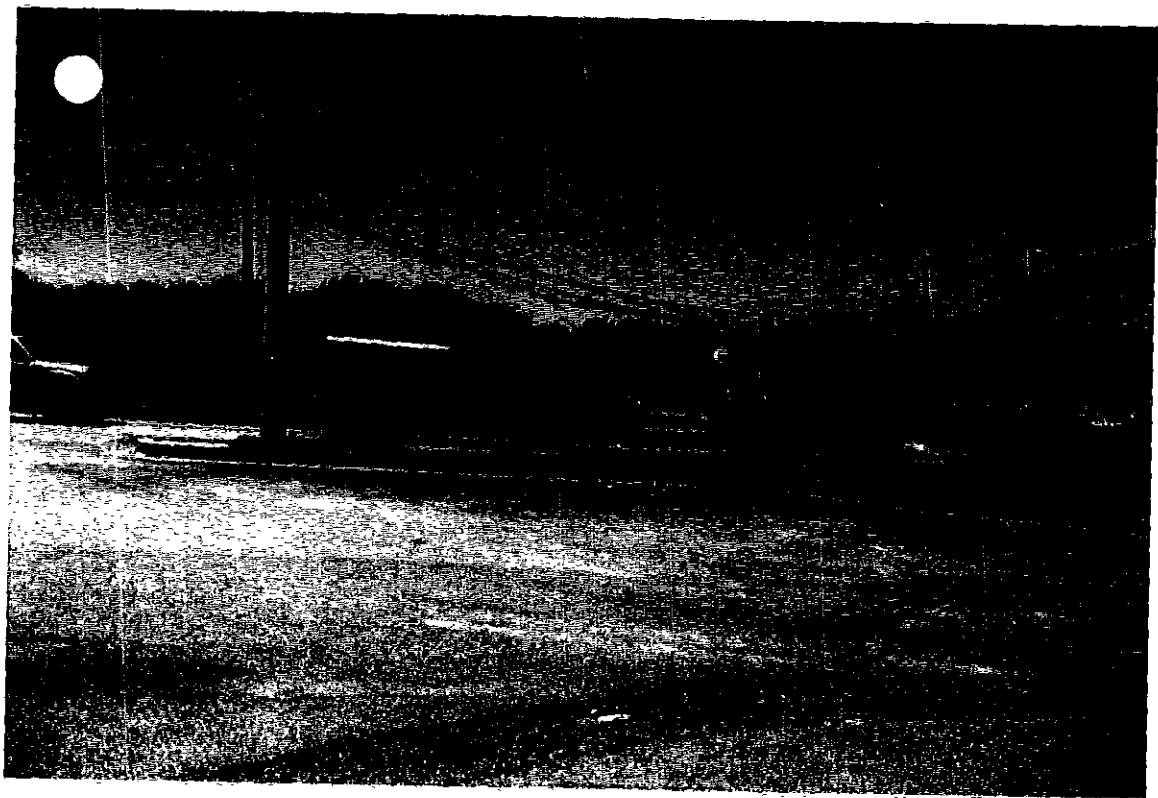


Arnold Jablon  
Director

AJ:DTR:tcn

c: Bruce Seeley  
Joyce Watson  
File  
Enclosure













Peterson NO 27



986

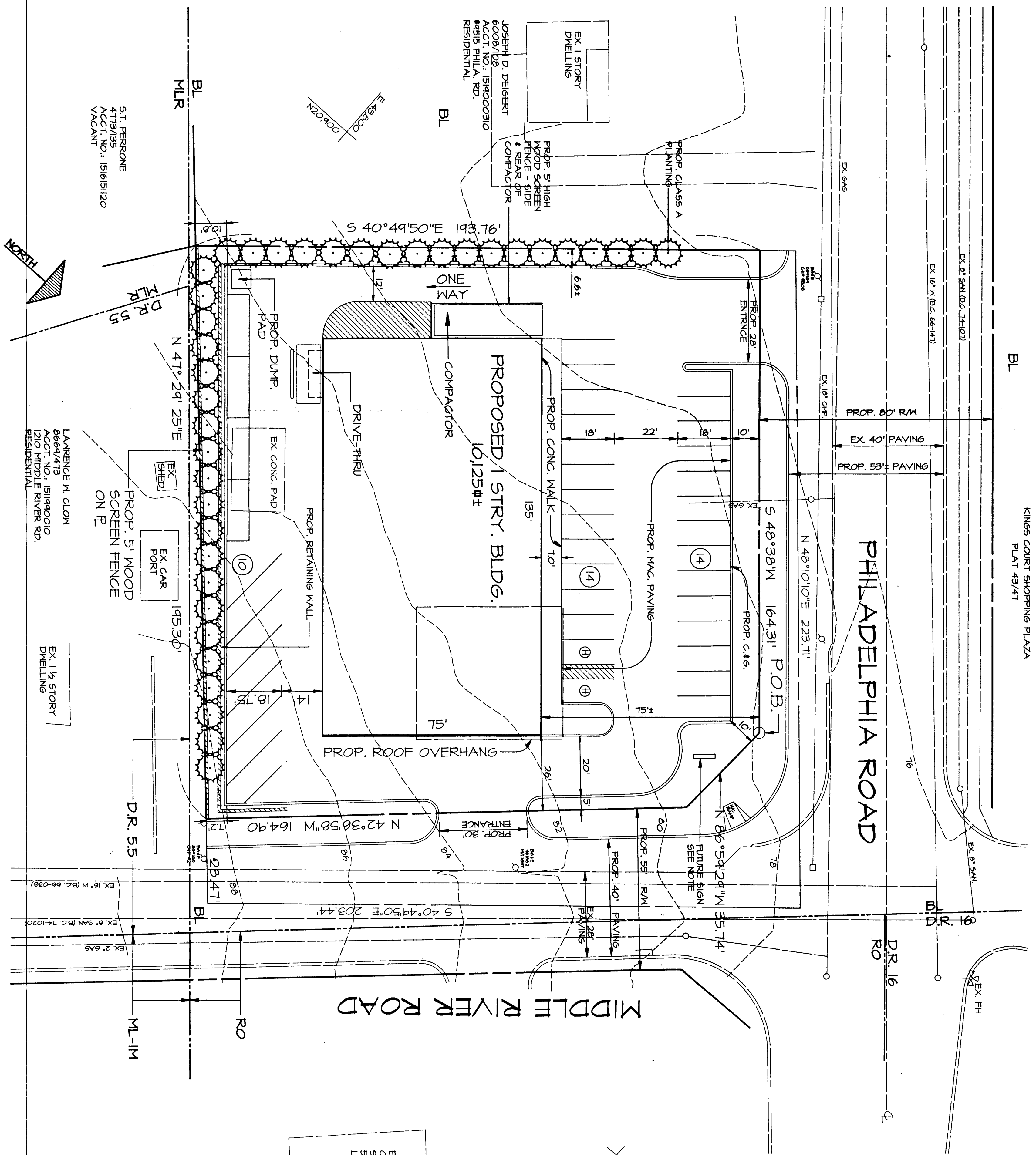
In addition to the above discussion of the proposed variances, a comment is appropriate regarding the drive-thru operation. Testimony and evidence presented was that the number of vehicles served by the drive-thru facility will be limited, when compared with similar facilities. That is, the drive-thru facility will generate significantly less traffic than drive-thru facilities at a restaurant, car wash or bank, for example. It is envisioned that customers will either drop off prescriptions or pick-up medicines at the drive-thru facility but not shop for other merchandise through the drive-thru facility. Based upon the testimony and evidence presented, I am persuaded that the drive-thru aisle arrangement is appropriate for this property. An examination of the site plan is dispositive that sufficient room exists to accommodate vehicles waiting for drive-thru service. Thus, the plan shall also be approved in this respect.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18<sup>th</sup> day of July 1997 that a variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to allow a drug store with 48 parking spaces in lieu of the required 50 spaces, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.1 of the BCZR and Sec. IXC.2b(3) of the Landscape Manual to allow a commercial use with a planting strip along the rear property line abutting a residential zone with a variable width of 7.2 ft. to 10.8 ft., in lieu of the required 10 ft.; and a side property line abutting a residential use in a commer-





**SITE DATA:**

GROSS SITE AREA: 45,801 ± 1,051 ACRES  
AREA IN HIGHWAY WIDENING: 4,253 ± 0.212 ACRES  
NET SITE AREA: 56,560 ± 0.854 ACRES

**PARKING CALCULATIONS:**

REQUIRED:  
10,125 ± 51,000 ±  
= 51 SPACES  
= 30 SPACES  
INCLUDES 2 HANDICAPPED SPACES.

**F.A.R.:**

MAXIMUM ALLOWED  
PROPOSED: 10,125/45,801  
= 0.22

**EXISTING ZONING:**

BL

**EXISTING USE:**

VACANT

**PROPOSED USE:**

PHARMACY

**LANDSCAPE REQUIREMENT:**

LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.

**LIGHTING:**

ALL LIGHT STANDARDS SHALL BE 8' HIGH WITHIN 80' OF RESIDENTIAL ZONE AND 10' HIGH BEYOND 80' OF RESIDENTIAL ZONE.

**SIGNAGE:**

THERE ARE NO EXISTING FREE-STANDING SIGNS ON SITE AND THERE ARE NO PROPOSED FREE-STANDING SIGNS AT THIS TIME. HOWEVER, THE DEVELOPER RESERVES THE RIGHT TO INSTALL A FREE-STANDING SIGN IN THE FUTURE. THE DEVELOPER UNDERSTANDS THAT ANY FUTURE FREE-STANDING SIGN MUST COMPLY WITH SECTION 413.6 (BCZR). ALL ZONING SIGN POLICIES AND MUST BE ISSUED A PERMIT.

**NOTES:**

1. NO PREVIOUS COMMERCIAL PERMIT FOR THE PAST 10 YEARS ON THIS SITE.  
2. ALL STANDARD PARKING SPACES SHALL BE 8.5X10'. STACKING SPACES SHALL BE 8.5X20'. ALL PARKING, LOADING, MANEUVERING AND AISLE AREA SHALL BE PAVED WITH A DURABLE AND DISTRESS SURFACE OF BITUMINOUS CONCRETE AND SPACES ARE TO PERMANENTLY STRIPED.  
3. 404.8A4 TO ALLOW PARKING SPACES IN A SURFACE PARKING FACILITY FOR A NON-RESIDENTIAL USE THAT ARE 5' FROM THE RIGHT OF WAY LINE IN LIEU OF THE REQUIRED 10'.

**VARIANCES REQUESTED:**

ATTACHMENT TO PETITION FOR VARIANCE - 4515 PHILADELPHIA ROAD

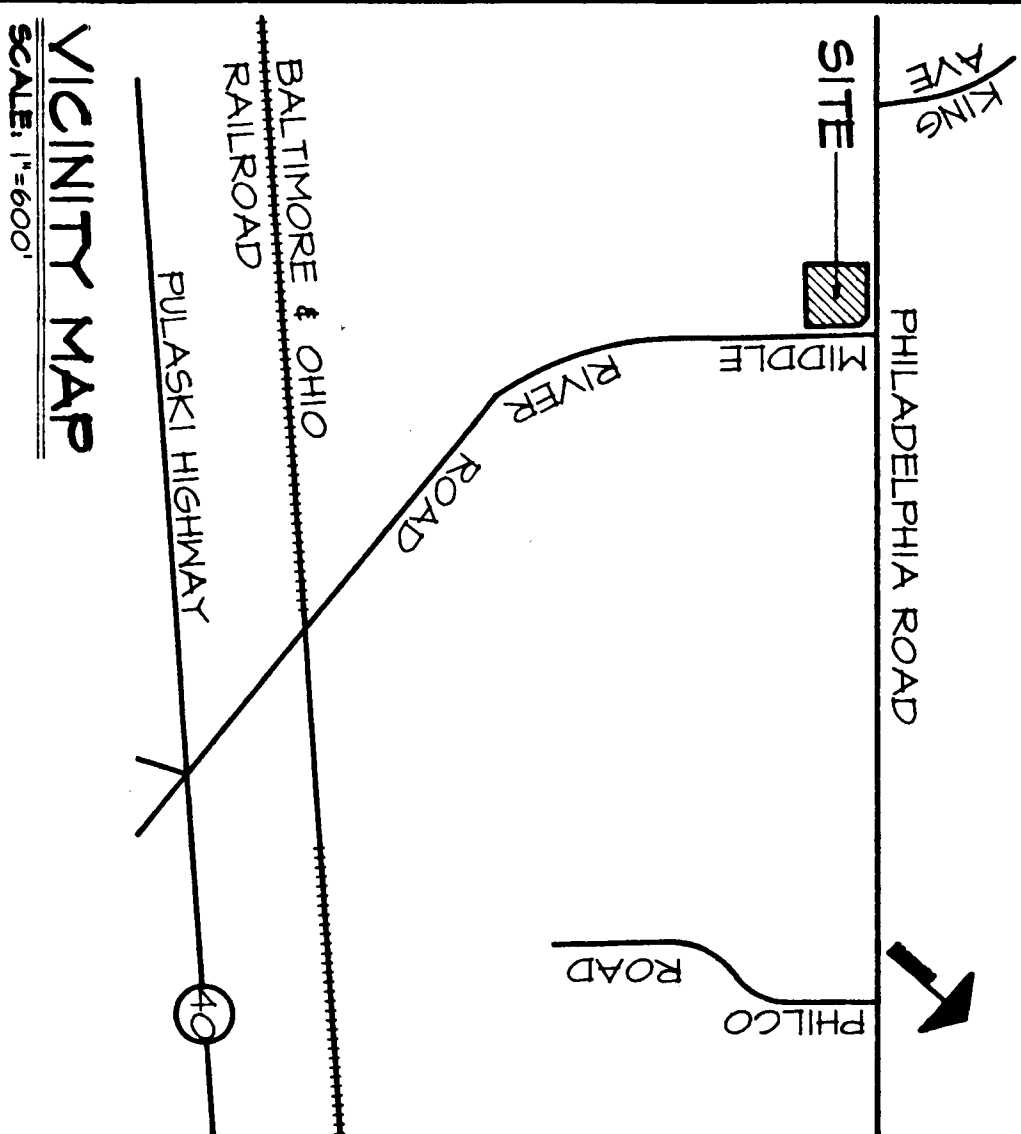
1. 404.6A2 TO ALLOW A DRIVE STORE WITH 30 PARKING SPACES IN LIEU OF THE REQUIRED 51 SPACES.

2. 404.8A1 AND SECTION IX.C.2.b (3) OF THE LANDSCAPE MANUAL TO ALLOW A COMMERICAL USE WITH A PLANTING STRIP ALONG THE REAR PROPERTY LINE ABUTTING A RESIDENTIAL ZONE WITH A VARIABLE WIDTH OF 1.2' TO 10.8' IN LIEU OF THE REQUIRED 10', AND A SIDE PROPERTY LINE ABUTTING A RESIDENTIAL USE IN A COMMERICAL ZONE WITH A 6.6' WIDE PLANTING STRIP IN LIEU OF THE REQUIRED 10'.

3. 404.8A4 TO ALLOW PARKING SPACES IN A SURFACE PARKING FACILITY FOR A NON-RESIDENTIAL USE THAT ARE 5' FROM THE RIGHT OF WAY LINE IN LIEU OF THE REQUIRED 10'.

**OWNER:**  
STANLEY LOTTO  
300 S. MAIN ST.  
BALDWIN, MD 21014  
DEED REF: #2517439  
ACCT. NO.: #1507562350

**PETITIONER'S EXHIBIT**



**CRG HISTORY:**

PLANNING CRG NO. XV-548  
FEB. 2004  
APPROVED ON 6/15/02 AND 4/22/03 FOR AN AUTO-SERVICE STATION.

**ZONING HISTORY:**

THIS SITE IS LOCATED ON ZONING MAP NE 6-H, BALTIMORE COUNTY. CASE NO. 64

RECLASSIFICATION FROM A RESIDENTIAL USE AREA TO A COMMERCIAL USE AREA FOR SIX TOURIST CABINS. ORDER GRANTED MAY 21, 1940.

CASE NO. 91-440-XA.

SPECIAL EXCEPTION TO PERMIT AUTOMOTIVE SERVICE STATION (6AS) IN A BL-CVS ZONE. SECTIONS 220.12 & 405.2B.2.

COMBINATION WITH A SERVICE STATION SECTION 405.4D.4.

SPECIAL EXCEPTION TO PERMIT A FOOD STORE OF LESS THAN 5000 SF AS USE IN COMBINATION WITH A SERVICE STATION.

SECTION 405.4D.3.

SPECIAL EXCEPTION TO USE A SMALL PORTION OF THE SUBJECT PROPERTY (PARCEL "A") ZONED BL AS A CAR WASH (STACKING SPACES ONLY) ACCESSORY TO THE CAR WASH USE IN COMBINATION ON THE SAME SITE.

SECTION 405.4B.2 TO ALLOW AN AUTOMOTIVE SERVICE STATION WITHOUT A 10' WIDE PLANTING STRIP ALONG THE REAR PROPERTY LINE ABUTTING A RESIDENTIAL ZONE AND ADJACENT TO THE PROPOSED AND REQUIRED FENCE SCREENING.

VARIANCE FROM SECTION 413.2.F.4.405.4B.4 TO PERMIT ONE (1) BUSINESS SIGN OF 200.3 SF IN LIEU OF THREE (3) SIGNS OF 100 SF AS PERMITTED.

ORDER WAS DENIED. 1/9/91.

CASE NO. 91-440-XA.

SPECIAL EXCEPTION GRANTED BY BOARD OF APPEALS ON 5/24/92.

AND AFFIRMED BY CIRCUIT COURT FOR BALTIMORE COUNTY ON 6/25/92.

APPEAL OF CASE NO. 91-440-XA. DENIED. 6/25/92.

APPEAL OF CASE NO. 91-440-XA. DENIED. 6/25/92.

SUPPLEMENTAL OPINION AND ORDER DATED 7/22/93 AND CLARIFICATION OF SUPPLEMENTAL OPINION DATED 8/20/93.

CASE NO. 95-393-54H.

PETITION FOR SPECIAL HEARING SEEKING APPROVAL OF AN EXTENSION OF TIME IN WHICH TO UTILIZE THE SPECIAL EXCEPTION GRANTED IN PRIOR CASE NO. 91-440-XA. GRANTED MAY 22, 1995.

**PLAT TO ACCOMPANY PETITION FOR VARIANCES**

CVS/pharmacy

4515 PHILADELPHIA ROAD

PDM #XV-548

TAX MAP #2, PARCEL 160, GRID 21

CENSUS TRACT: 4513

WATERGHESED-6

ELECTION DISTRICT 15 C5

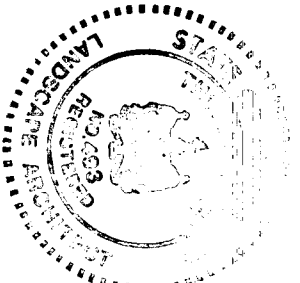
BALTIMORE COUNTY, MD

**THOMAS J. HOFF, INC.**

Land Development Consultants and Landscape Architects

**SP-1**

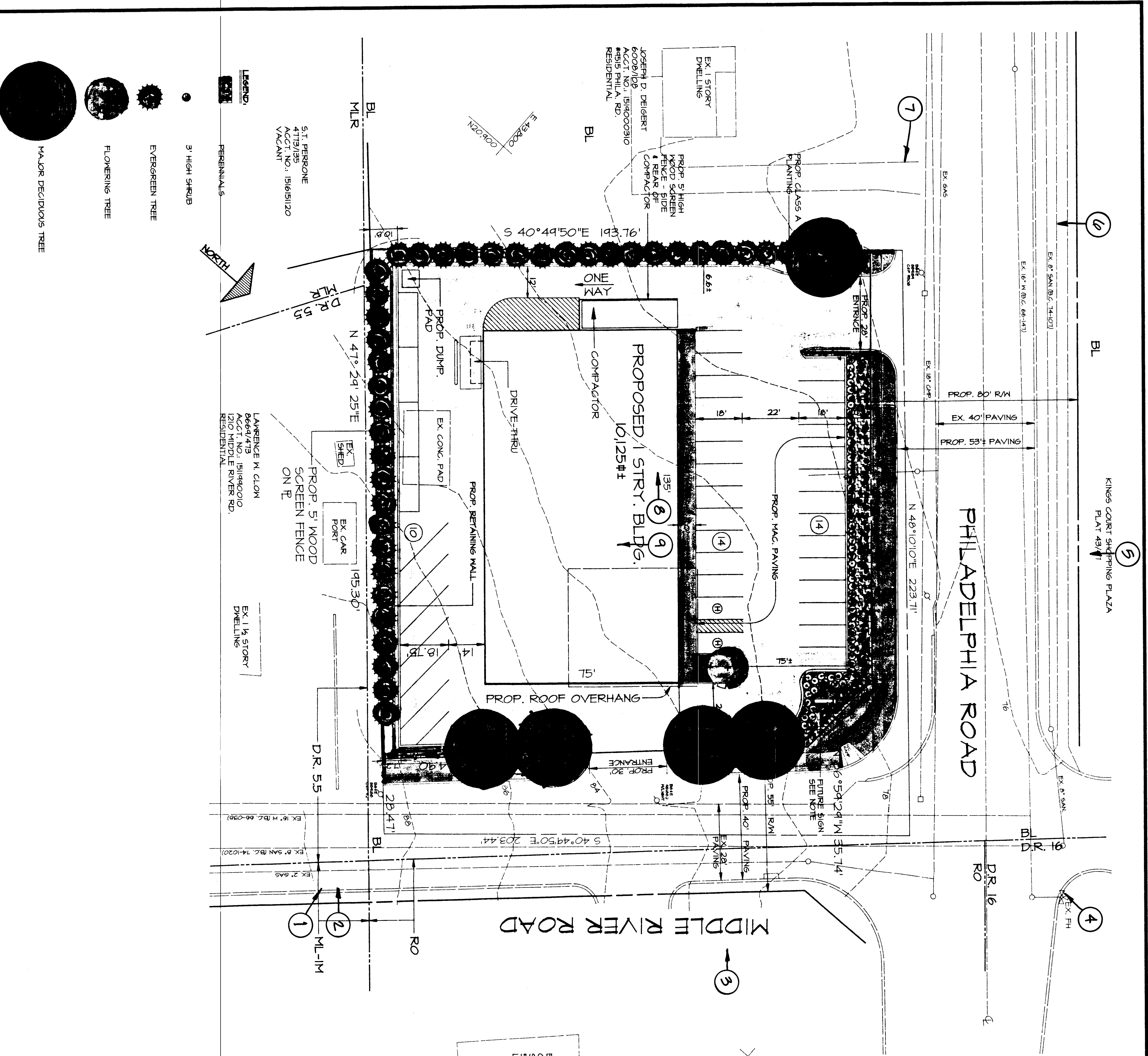
177 York Rd. Suite 18  
Lutherville, Md. 21093  
410-628-9225  
FAX: 628-9229



SHEET 1 OF 1

E:\GRAVINGS\125.DWG





**SITE DATA:**  
GROSS SITE AREA 45,801#±(1.051 ACRES)  
AREA IN HIGHWAY WIDENING 4,239#±(0.212 ACRES)  
NET SITE AREA 36,560#±(0.834 ACRES)

**PARKING CALCULATIONS:**  
**REQUIRED:** 10125# ± 5/1000# = 51 SPACES  
PROPOSED: 10125/45,801 = 36 SPACES  
INCLUDES 2 HANDICAPPED SPACES.

**F.A.R.:**  
MAXIMUM ALLOWED 3.00  
PROPOSED: 10125/45,801 = 0.22

**EXISTING ZONING:** BL  
PROPOSED USE: VACANT PHARMACY

**LANDSCAPE REQUIREMENT:**  
LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.

**LIGHTING:**  
• LIGHT STANDARDS SHALL BE 8' HIGH WITHIN 60' OF RESIDENTIAL ZONE AND 10' HIGH BEYOND 60' OF RESIDENTIAL ZONE.  
• ON SITE LIGHTING SHALL BE SO ARRANGED AND SHIELDED AS TO CONFIN ALL DIRECT LIGHT RAYS ENTIRELY WITHIN THE BOUNDARY LINE OF THE SITE AND TO PREVENT REFLECTED LIGHT RAYS FROM SHINING OR GLARING ONTO ANY PORTION OF ANY ADJACENT MOTORWAY OR INTO THE PATH OF ONCOMING VEHICLES.

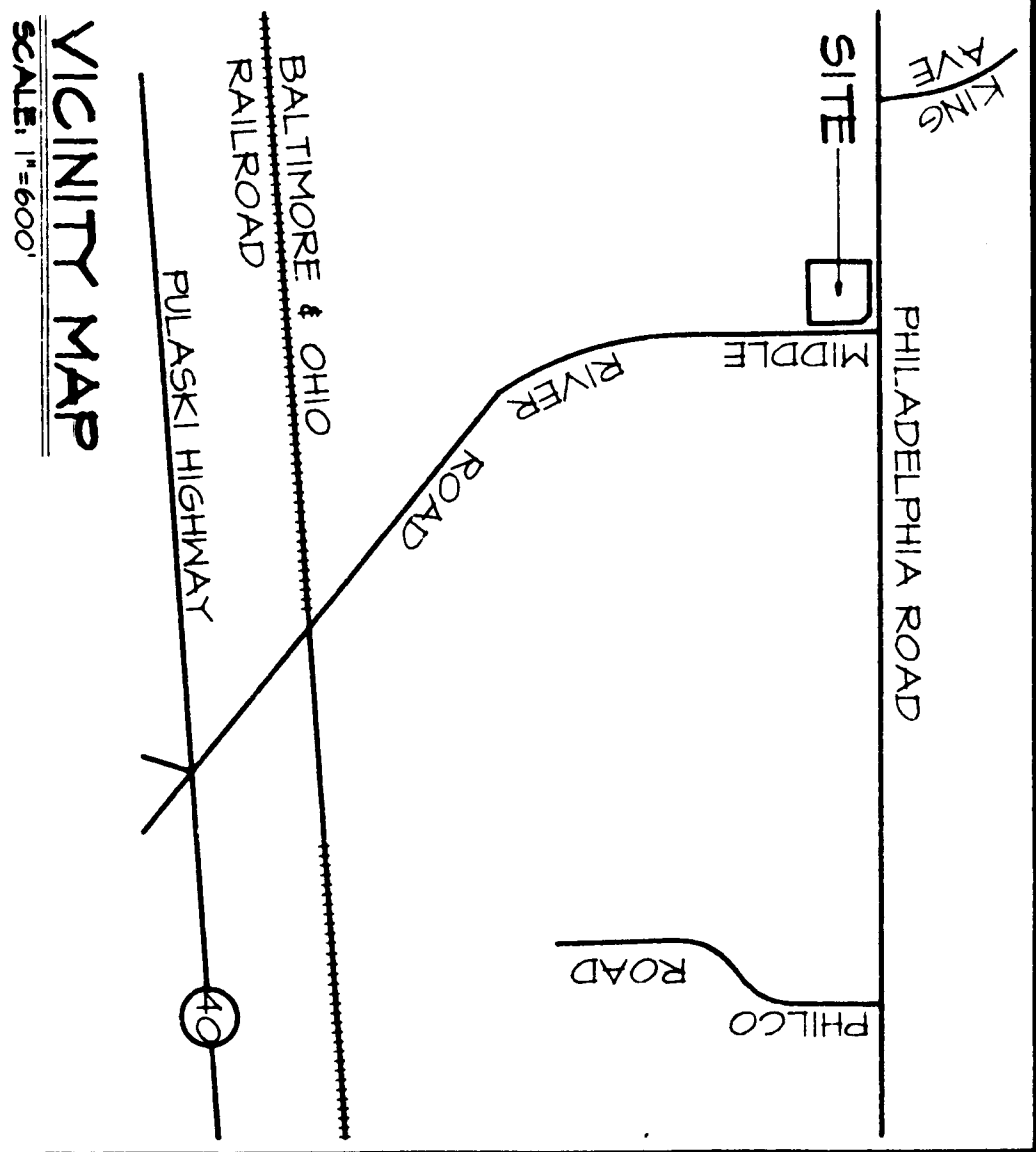
**SIGNAGE:**  
THERE ARE NO EXISTING FREE-STANDING SIGNS ON SITE AND THERE ARE NO PROPOSED FREE-STANDING SIGNS AT THIS TIME. HOWEVER, THE DEVELOPER RESERVES THE RIGHT TO INSTALL A FREE-STANDING SIGN IN THE FUTURE. THE DEVELOPER UNDERSTANDS THAT ANY FUTURE FREE-STANDING SIGN MUST COMPLY WITH SECTION 413.6 (BC2R). ALL ZONING SIGN POLICIES AND MUST BE ISSUED A PERMIT.

**NOTES:**  
1. NO PREVIOUS COMMERCIAL PERMIT FOR THE PAST 10 YEARS ON THIS SITE.  
2. ALL STANDARD PARKING SPACES SHALL BE 8.5X19'. STACKING SPACES SHALL BE 8.5X20'. ALL PARKING LOADING MANEUVERING AND AISLE OF AREA SHALL BE PAVED WITH A DURABLE AND DISTRESS SURFACE OF BITUMINOUS CONCRETE AND SPACES ARE TO PERMANENTLY STRIPED.

**VARIANCES REQUESTED:**  
ATTACHMENT TO PETITION FOR VARIANCE - 4515 PHILADELPHIA ROAD  
1. 404.6A2 TO ALLOW A DRUG STORE WITH 30 PARKING SPACES IN LIEU OF THE REQUIRED 51 SPACES.  
2. 404.8A1 AND SECTION IX.C.2.B (9) OF THE LANDSCAPE MANUAL TO ALLOW A COMMERCIAL USE WITH A PLANTING STRIP ALONG THE REAR PROPERTY LINE ABUTTING A RESIDENTIAL ZONE WITH A VARIABLE WIDTH OF 12 TO 102' IN LIEU OF THE REQUIRED 10'. AND A SIDE PROPERTY LINE ABUTTING A RESIDENTIAL USE IN A COMMERCIAL ZONE WITH A 6.6' WIDE PLANTING STRIP IN LIEU OF THE REQUIRED 10'.  
3. 404.8A4 TO ALLOW PARKING SPACES IN A SURFACE PARKING FACILITY FOR A NON-RESIDENTIAL USE THAT ARE 5' FROM THE RIGHT OF WAY LINE IN LIEU OF THE REQUIRED 10'.

**OWNER:**  
STANLEY LLOYD  
200 S. MAIN ST.  
BALTIMORE, MD 2104  
DEED REF: 4507192350  
ACCT. NO.: 4507192350

PETITIONER'S  
CERTIFICATE No. 2



**CRG HISTORY:**  
PLANNING CRG NO. XY-546  
PUB. SER. CRG NO. 41-073  
APPROVED ON 8/13/92 AND 4/22/93 FOR AN AUTO-SERVICE STATION.

**ZONING HISTORY:**  
THIS SITE IS LOCATED ON ZONING MAP NE-6-H, BALTIMORE COUNTY. CASE NO. 64  
RECLASSIFICATION FROM A RESIDENTIAL USE AREA TO A COMMERCIAL USE AREA FOR SIX TOURIST CABINS.  
ORDER GRANTED MAY 21 1940.  
CASE NO. 41-446-XA  
• SPECIAL EXCEPTION TO PERMIT AUTOMOTIVE SERVICE STATION (6AS N° 60) IN A BL-CNS ZONE, SECTIONS 23013 & 405.2B.2.  
• SPECIAL EXCEPTION TO PERMIT A CAR WASH AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4D.4.  
• SPECIAL EXCEPTION TO PERMIT A FOOD STORE OF LESS THAN 2000 SF AS USE IN COMBINATION WITH A SERVICE STATION.  
• SPECIAL EXCEPTION TO USE A SMALL PORTION OF THE SUBJECT PROPERTY (PARCEL "A") ZONED BL AS A CAR WASH (STACKING SPACES ONLY) ACCESSORY TO THE CAR WASH USE IN COMBINATION ON THE SAME SITE.  
• VARIANCE FROM SECTION 405.4B.2 TO ALLOW AN AUTOMOTIVE SERVICE STATION WITHOUT A 10' WIDE PLANTING STRIP ALONG THE REAR PROPERTY LINE ABUTTING A RESIDENTIAL ZONE AND ADJACENT TO THE PROPOSED 2ND AND REAR FENCE DESCRIBING BUSINESS SIGN OF 500.3 SF IN LIEU OF THREE (3) SIGNS OF 100 SF AS PERMITTED.  
ORDER WAS DENIED 13/4/91.  
CASE NO. 41-446-XA  
SPECIAL EXCEPTION GRANTED BY BOARD OF APPEALS ON 5/2/92, AND AFFIRMED BY CIRCUIT COURT FOR BALTIMORE COUNTY ON 4/12/93 (CASE NO. 42CV9341). VARIANCES WERE FINALLY GRANTED BY BOARD OF APPEALS ON REWARD FROM CIRCUIT COURT, BY SUPPLEMENTAL OPINION AND ORDER DATED 7/22/93, AND CLARIFICATION OF SUPPLEMENTAL OPINION DATED 8/20/93.  
CASE NO. 45-355-9TH  
PETITION FOR SPECIAL HEARING SEEKING APPROVAL OF AN EXTENSION OF TIME IN WHICH TO UTILIZE THE SPECIAL EXCEPTION GRANTED IN PRIOR CASE NO. 41-446-XA, GRANTED MAY 22/1995.

**PLAT TO ACCOMPANY  
PETITION FOR VARIANCES**  
CVS/pharmacy  
4515 PHILADELPHIA ROAD  
BALTIMORE COUNTY, MD

**OWNER:**  
THOMAS J. HOFF, INC.  
1717 York Rd., Suite 18  
Lutherville, Md 21093  
410-628-9225  
FAX: 628-9229

**REVISIONS:**  
7/1/97, SLV.  
SCALE: 1"=20'  
DATE: 5/14/97  
JOB NO.: 125-01  
DESIGNED: TJH  
DRAWN: SLV  
CHECKED:  
DRAWING NUMBER: SP-1

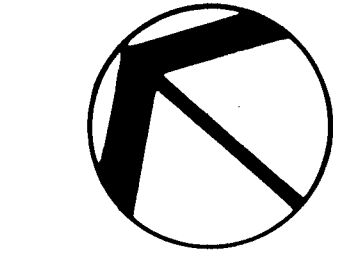
**REVISIONS:**  
7/1/97, SLV.  
SCALE: 1"=20'  
DATE: 5/14/97  
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7/1/97, SLV.  
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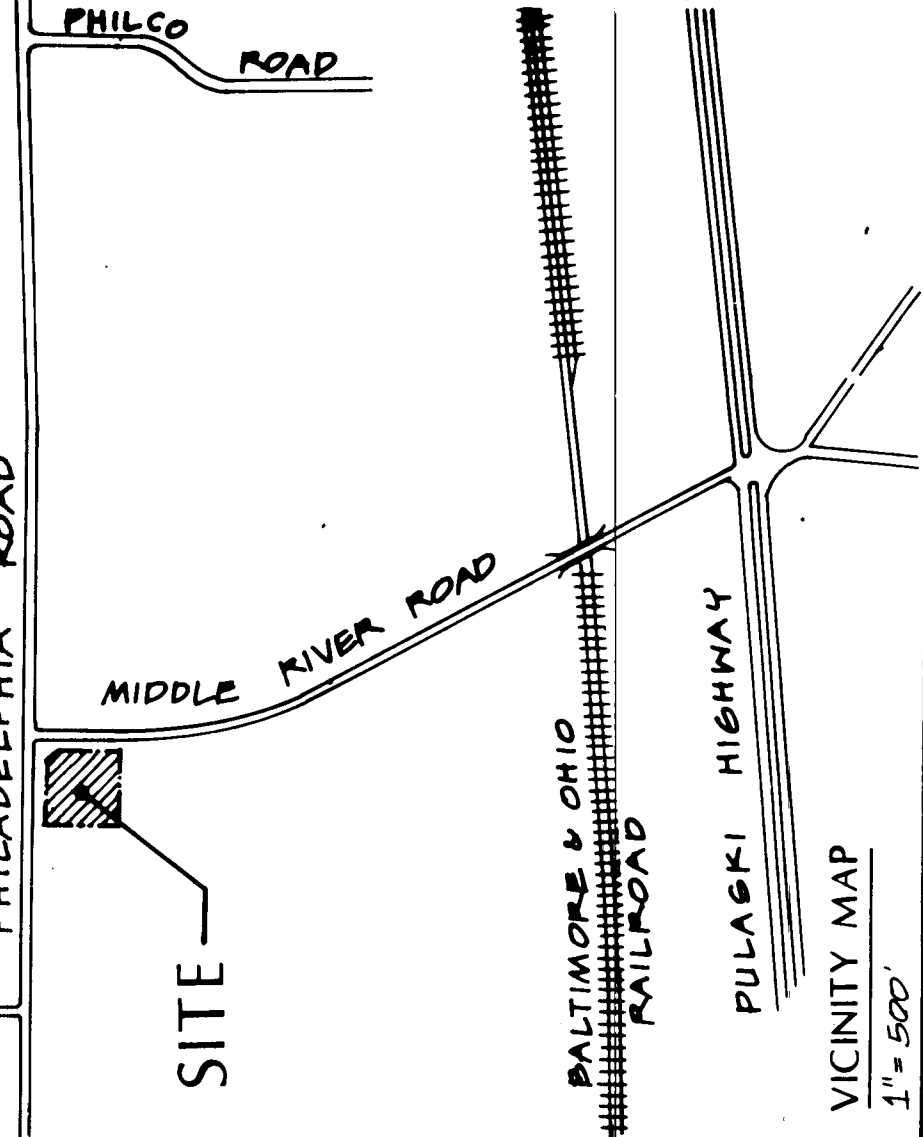






KINGS COURT SHOPPING PLAZA  
Δ 49/47

PHILADELPHIA ROAD



VICINITY MAP  
1" = 500'

GENERAL NOTES

1. THERE ARE NO 25% OR GREATER SLOPES ON SITE.
2. SITE IS PRESENTLY PAVED WITH AN EXISTING 2 1/2 STORY BUILDING. EXISTING 2 1/2 STORY STRUCTURE, FOUNDATION AND CONCRETE PAVES ON SITE ARE TO REMOVED. THE "OLD PHILADELPHIA HISTORICAL SOCIETY" (CA 2484), HAS BEEN DETERMINED TO NOT BE A HISTORICALLY SIGNIFICANT REMAINDER.
3. THERE ARE NO EXISTING WELLS OR SEPTIC AREAS ON SITE. THIS DEVELOPMENT WILL BE SERVED BY PUBLIC WATER AND SEWER.
4. THERE ARE NO KNOWN UNDERGROUND TANKS, CRITICAL AREAS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR PROTECTED AREAS ON SITE.
5. THERE ARE NO EXISTING STREAMS, BODIES OF WATER OR SPRINGS ON SITE.
6. THERE ARE NO FLOODPLAINS, FLOOD AREAS OR 100 YR. RIVERINE OR TIDAL AREAS ON SITE.
7. LIGHT FIXTURES TO ILLUMINATE PARKING LOT SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM RESIDENTIAL LOTS ADJACENT TO THE SITE.
8. VEHICULAR TRAFFIC BY CURBSIDE PARKING SHALL BE PROTECTED FROM SIDEWALKS WILL BE PROVIDED WITH AN OIL/GREASE SEPARATOR INLET AND WASTE OIL TANK SUBJECT TO REQUIREMENTS OF THE BALTIMORE COUNTY DEPT. OF PUBLIC WORKS.
9. CAR WASH WILL BE PROVIDED WITH AN OIL/GREASE SEPARATOR INLET AND WASTE OIL TANK SUBJECT TO REQUIREMENTS OF THE BALTIMORE COUNTY DEPT. OF PUBLIC WORKS.
10. NO OTHER ACCESSORY USES PROPOSED.
11. BY UTIL. REBEL & ASSOCIATES, INC., DATED SEPT. 14, 1990.
12. THE PREMISES SHALL BE MAINTAINED AT ALL TIMES IN A CLEAN AND ORDERLY CONDITION AND THERE SHALL BE NO STORAGE OF DAMAGED OR IMPERFECT VEHICLES.
13. HOURS OF OPERATION SHALL BE 24 HOURS/DAY.

ZONING CASE #91-498-XA

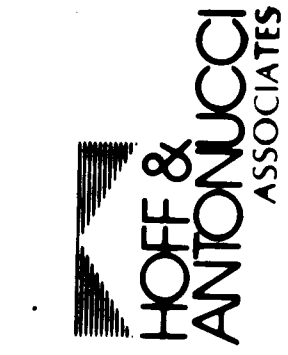
- \* SPECIAL EXCEPTION TO PERMIT AUTOMOTIVE SERVICE STATION (GAS 'N' OIL) IN A BC-ONS ZONE, SECTIONS 230.13 & 405.2.B.2.
  - \* WITH A SERVICE STATION, THE PROPOSED DEVELOPMENT SHALL BE SUBJECT TO THE FOLLOWING SPECIAL EXCEPTIONS:
  - \* SPECIAL EXCEPTION TO PERMIT A FOOD STORE OF LESS THAN 5000 SF AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.6.
  - \* SPECIAL EXCEPTION TO USE A SMALL PORTION OF THE SUBJECT PROPERTY AS A CAR WASH USE IN COMBINATION ON THE SAME ONLY ACCESSORY TO THE CAR WASH USE IN COMBINATION ON THE SAME.
  - \* VARIANCE FROM SECTION 405.4.B.2 TO ALLOW AN AUTOMOTIVE SERVICE STATION WITHOUT A 10' WIDE PLANTING STRIP ALONG THE REAR PROPERTY LINE ADJUTING A RESIDENTIAL ZONE AND ADJACENT TO THE PROPOSED AND REQUIRED FENCE SCREENING.
  - \* VARIANCE FROM SECTION 405.4.B.2 TO ALLOW A 10' WIDE PLANTING STRIP ALONG THE REAR PROPERTY LINE ADJUTING A RESIDENTIAL ZONE AND ADJACENT TO THE PROPOSED AND REQUIRED FENCE SCREENING.
  - \* BUSINESS SIGN OF 200.3 SF IN LIEU OF THREE (3) SIGNS OF 100 SF AS PERMITTED.
- SPECIAL EXCEPTION GRANTED BY BOARD OF APPEALS ON 8/1/93, AND AFFIRMED BY CIRCUIT COURT FOR BALTIMORE COUNTY ON 4/12/93. CASE NO. 92CV03411; VARIANCES WERE FINALLY GRANTED BY BOARD OF APPEALS ON REMAND FROM CIRCUIT COURT, BY SUPPLEMENTAL OPINION AND ORDER DATED 7/22/93, AND CLARIFICATION OF SUPPLEMENTAL OPINION DATED 8/20/93.

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

AMOCO OIL COMPANY

9519 PHILADELPHIA ROAD

WATERSHED : 6  
COUNCILMANIC DISTRICT NO: 6  
ELECTION DISTRICT NO: 15 C5  
BALTIMORE COUNTY, MD



Land Development  
Consultants  
and Architects

ZON-1

SHEET 1 OF 2

SITE DATA

SITE AREA: 1.05 AC +/- (45,800 SF)  
GROSS: 0.84 AC +/- (36,971 SF)  
NET:

EXISTING ZONING: BL-ONS  
BL

EXISTING USE: VACANT  
PROPOSED USE: AUTOMOTIVE SERVICE STATION & CONVENIENCE STORE WITH CAR WASH (MACHINE OPERATED DRIVE THRU).  
NO OTHER ACCESSORY USES ARE PROPOSED.

SITE AREA REQUIREMENTS:

6 DISPENSER ISLANDS WITH 6 DISPENSERS, CAPABLE OF SERVING 12 CARS AT ONE TIME  
12 FUEL SERVICING SPACES @ 1500 SF / SPACE = 18,000 SF  
TOTAL FUEL SERVICING SPACES @ 1500 SF x 4 = 72,000 SF  
CAR WASH @ 960 SF = 960 SF  
TOTAL SITE AREA REQUIRED = 25,208 SF  
TOTAL SITE AREA PROVIDED = 32,316 SF

SITE WIDTH REQUIREMENTS:

MINIMUM SITE WIDTH REQUIRED ALONG MAJOR STREET = 90'  
SITE WIDTH PROVIDED = 168'

ACCESS POINTS:

NUMBER OF ENTRANCES ON MAJOR STREET = 1  
NUMBER OF ENTRANCES ON MINOR STREET = 1

PARKING:

REQUIRED: 8 SP  
PROCESSED: (INCLUDES 1 HANDICAPPED SP) = 8 SP

SERVICE/STACKING SPACES:

SERVICE STATION:

12 FUEL PUMPS @ 1 SERVICE SP + 1 STACKING SP/PUMP = 24  
TOTAL STACKING SPACES REQUIRED FOR FUEL PUMPS = 24  
TOTAL STACKING SPACES PROVIDED FOR FUEL PUMPS = 24

CAR WASH:

NUMBER OF CARS PROCESSED DURING 1/2 HR OF OPERATION = 10  
NUMBER OF ADDITIONAL STACKING SPACES REQUIRED = 10  
TOTAL STACKING SPACES REQUIRED FOR CAR WASH = 20  
TOTAL STACKING SPACES PROVIDED FOR CAR WASH = 20

FLOOR AREA RATIO:

MAXIMUM ALLOWED = 3.00  
PROPOSED = 2352 SF / 45,738 SF = 0.05

ADTS:

CONVENIENCE STORE - 1560 SF (24 HRS @ 887/1000 SF) = 1,984  
SERVICE STATION - 12 PUMPS @ 1337/PUMP = 1,596  
CAR WASH - 20 CARS/HR X 8 = 160  
TOTAL ADTS = 3,140

SETBACKS:

CANOPY: 10' FROM R/W 59  
35' FROM CL 42  
MAIN STRUCTURE: 50' FROM R/W 99  
50' FROM CL 72  
FUEL PUMP ISLAND: 15' FROM R/W 128  
60' FROM CL 65  
SIGNS: 40' FROM CL 162  
6' FROM R/W 82  
31' FROM CL 6  
TOTAL SETBACKS PROVIDED PHILADELPHIA/MIDDLE RIVER = 200.3 SF

LANDSCAPE REQUIREMENTS:

LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL. SEE SCHEMATIC LANDSCAPE PLAN, SHEET CRG-2.

LIGHTING:

LIGHT STANDARDS SHALL BE 8' HIGH WITHIN 80' OF RESIDENTIAL ZONE AND 10' HIGH BEYOND 80' OF RESIDENTIAL ZONE.

SIGNAGE:

ONE FREESTANDING ILLUMINATED SIGN (BLACK BACKGROUND) 200.3 SF  
2 BUILDING SIGNS (ILLUMINATED X 1 FT)  
ALL CANOPY AND BUILDING SIGNS SHALL COMPLY WITH SEC. 413 AND ALL ZONING POLICIES.

ALL STANDARD PARKING SPACES SHALL BE 8.5' x 18'. STACKING SPACES SHALL BE 5' x 15'. ALL PARKING, LOADING, UNLOADING AND ALSEZ AREAS SHALL BE PAVED WITH ASPHALT OR CONCRETE. SURFACE OF BITUMINOUS CONCRETE AND SPACES ARE TO PERMANENTLY STRIPED.

CAR WASH DATA:

CAR WASH SYSTEM SHALL BE A SLANT SYSTEMS - MODEL 560 SERIES, AUTOMATIC ROLLUP SYSTEM OR EQUIVALENT.

AVERAGE STAGING TIME PER VEHICLE = 1.5 MIN.  
TOTAL AVERAGE PROCESSING TIME PER VEHICLE = 1.5 MIN.  
TOTAL AVERAGE PROCESSING TIME PER VEHICLE = 3.0 MIN.

ZONING HISTORY

CASE NO. 69  
RECLASSIFICATION FROM A RESIDENTIAL USE AREA TO A COMMERCIAL USE AREA FOR SIX TOURIST CABINS.  
ORDER GRANTED MAY 27, 1940.

PLANNING CRG NO: XX-548  
PUB. SER. CRG NO: 91-073

OWNER

STANLEY LLOYD  
220 S. MAIN ST.  
BALTIMORE, MD 21014  
DEED REF 2917/430  
ACC. NO. 19071902390

DEVELOPER

AMOCO OIL COMPANY  
% CHARLES T. BOGDANOWICZ  
14520 GREEN RD.  
BALDWIN, MD. 21013  
(301) 592-5914

EX 1 1/2 STORY CONVENIENCE STORE Δ 51/64 LOT 1

EX 2' GAS

EX 8' SAN (BC 74-1020)

EX 16' W (BC 60-030)

EX PAVING

EX 10' W (BC 60-030)

EX 2' GAS

EX 8' SAN (BC 74-1020)

EX 16' W (BC 60-030)

EX PAVING

EX 10' W (BC 60-030)

EX 2' GAS

EX 8' SAN (BC 74-1020)

EX 16' W (BC 60-030)

EX PAVING

EX 10' W (BC 60-030)

EX 2' GAS

EX 8' SAN (BC 74-1020)

EX 16' W (BC 60-030)

EX PAVING

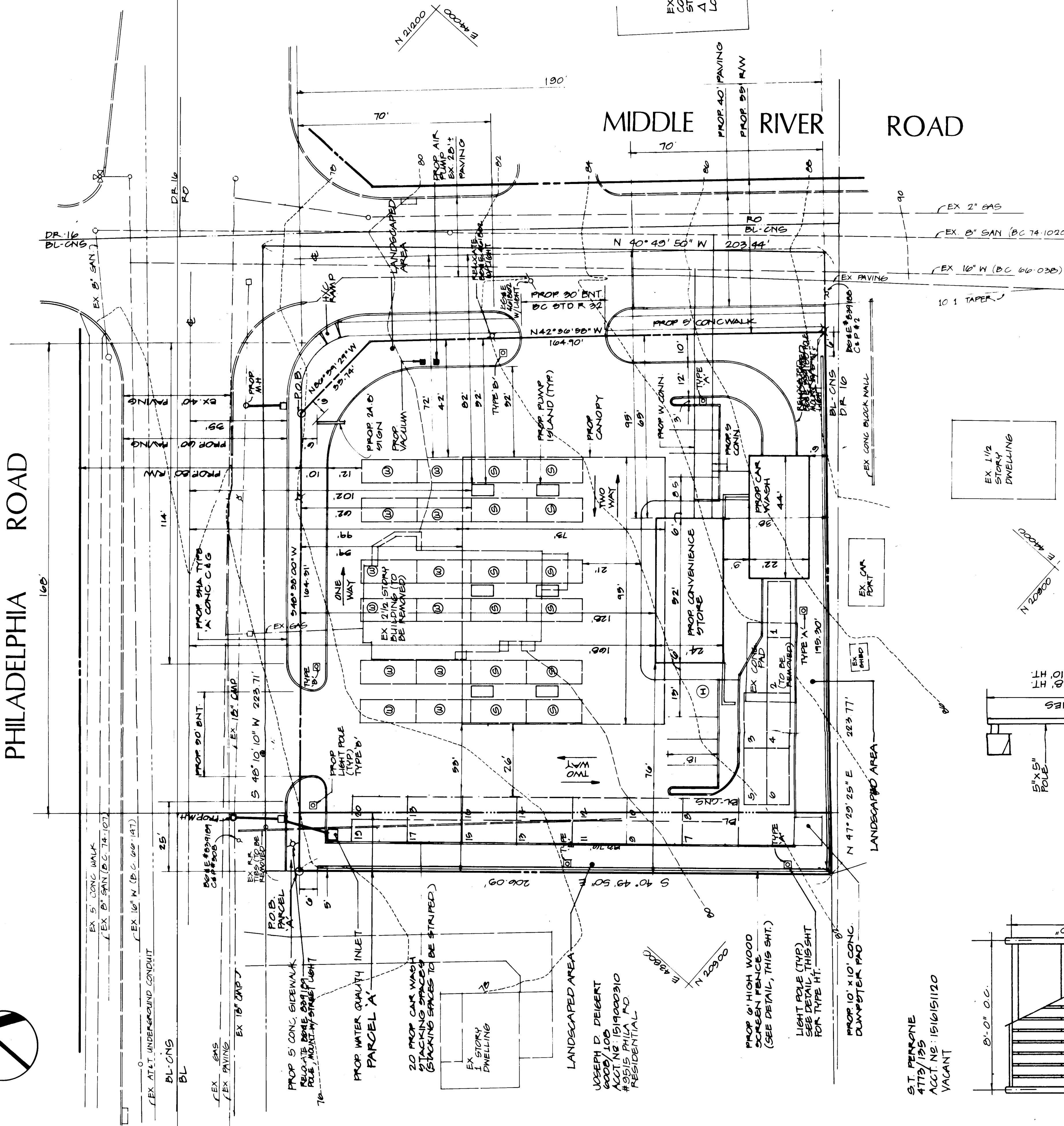
EX 10' W (BC 60-030)

EX 2' GAS

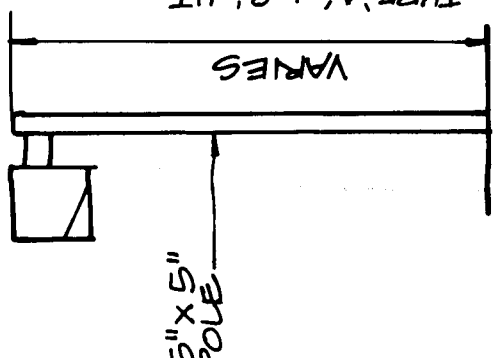
EX 8' SAN (BC 74-1020)

EX 16' W (BC 60-030)

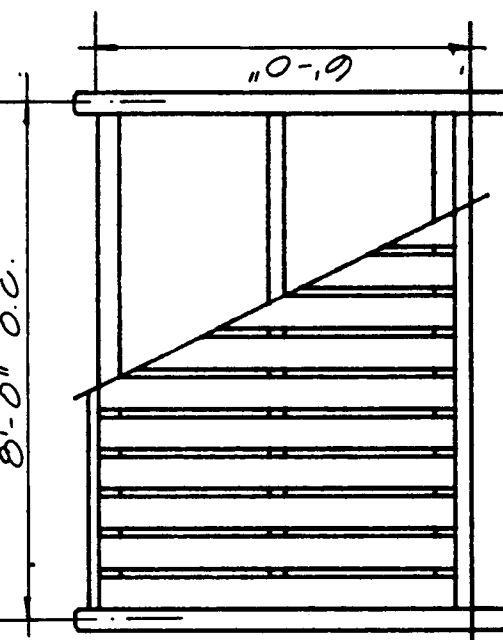
EX PAVING



LAWRENCE W. CLON  
6000 P. 47A  
ACCT NO. 1511990210  
210 MIDDLE RIVER RD.  
RESIDENTIAL



LIGHTING DETAIL  
NOT TO SCALE

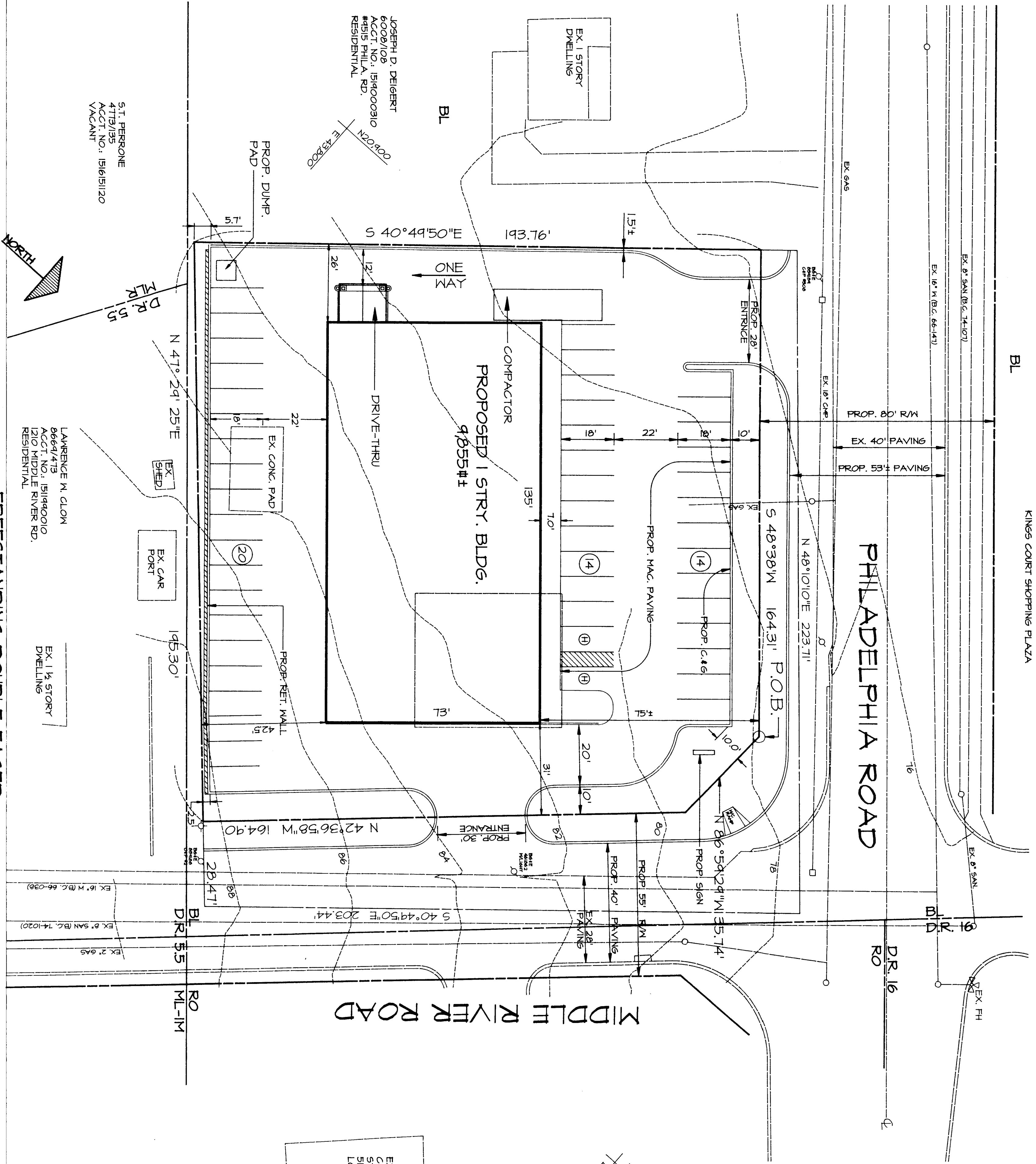


WOOD SCREEN FENCE  
ELEVATION - NOT TO SCALE

S.T. FERRONE  
4175/135  
ACCT NO. 1516151120  
VACANT

16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
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BL

KINROSS COURT SHOPPING PLAZA

PHILADELPHIA ROAD

MIDDLE RIVER ROAD

JOSEPH D. DEBERT  
6008/108  
ACCT. NO.: 1514000310  
4515 PHILA. RD.  
RESIDENTIAL

51. PERBONE  
4773/135  
ACCT. NO.: 15161120  
VACANT

LAWRENCE M. GLOM  
8664/473  
ACCT. NO.: 151400010  
1210 MIDDLE RIVER RD.  
RESIDENTIAL

EX. 1 1/2 STORY  
DWELLING

EX. 1 STORY  
CONVENIENCE  
STORE  
516#4  
LOT 1

**SITE DATA:**

68055 SITE AREA, 45.801#1.021 ACRES  
AREA IN HIGHWAY WIDENING, 9.233#0.212 ACRES  
NET SITE AREA, 36.568#0.809 ACRES

**PARKING CALCULATIONS:**

**REQUIRED,**  
9855# 5/1000# = 50 SPACES  
PROPOSED, = 46 SPACES  
INCLUDES 2 HANDICAPPED SPACES.

**F.A.R.:**

MAXIMUM ALLOWED = 3.00  
PROPOSED, 9855/45,801 = 0.22

**EXISTING ZONING,**

EXISTING USE, BL  
PROPOSED USE, VACANT PHARMACY

**LANDSCAPE REQUIREMENT:**

LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.

**LIGHTING:**

LIGHT STANDARDS SHALL BE 8' HIGH WITHIN 60' OF RESIDENTIAL ZONE AND 10' HIGH BEYOND 60' OF RESIDENTIAL ZONE.

**NOTES:**

1. NO PREVIOUS COMMERCIAL PERMIT FOR THE PAST 10 YEARS ON THIS SITE.
2. ALL STANDARD PARKING SPACES SHALL BE 8.5X20'. STAKING SPACES SHALL BE 8.5X20'. ALL PARKING, LOADING, MANEUVERING AND AISLE AREA SHALL BE PAVED WITH A DURABLE AND DISTLESS SURFACE OF BITUMINOUS CONCRETE AND SPACES ARE TO PERMANENTLY STRIPED.

**VARIANCES REQUESTED:**

1. 4064#2 TO ALLOW A DRIVE STORE WITH 46 PARKING SPACES IN LIEU OF THE REQUIRED 50 SPACES.
2. 401#4 AND SECTION IX.C.2.b (3) OF THE LANDSCAPE MANUAL TO ALLOW A COMMERCIAL USE WITHOUT A 10' WIDE PLANTING STRIP ALONG THE REAR PROPERTY LINE ADJUTING A RESIDENTIAL ZONE, AND WITHOUT A 10' WIDE PLANTING STRIP ALONG THE SIDE PROPERTY LINE ADJUTING A RESIDENTIAL USE IN A COMMERCIAL ZONE.
3. 419.2.F. TO ALLOW 1 OTHER BUSINESS SIGN OF 45.3 SQUARE FEET PER SIDE (190.4 SQUARE FEET TOTAL) IN LIEU OF 3 SIGNS WITH A TOTAL AREA OF 100 SQUARE FEET AS PERMITTED.

97.395-A

**OWNER:**  
STANLEY LLOYD  
3000 WINDYBUSH  
BELAIR MD 21014  
DEED REF. #25171436  
ACCT. NO.: 1507562350

PHILADELPHIA ROAD

BALTIMORE & OHIO  
RAILROAD

PILASKI HIGHWAY

**VICINITY MAP**

SCALE: 1"=400'

**CRG HISTORY:**

PLANNING CRG NO. XV-546  
PUB. SER. CRG NO. 41-07B  
APPROVED ON 6/19/92 AND 4/22/93 FOR AN AUTO-SERVICE STATION.  
THIS SITE IS LOCATED IN ZONING MAP NE-6-H, BALTIMORE COUNTY.  
**CASE NO. 64**  
RECLASSIFICATION FROM A RESIDENTIAL USE AREA TO A COMMERCIAL USE AREA FOR SIX TOURIST CABINS.  
ORDER GRANTED MAY 21, 1940.  
**CASE NO. 41-44B-XA**  
SPECIAL EXEMPTION TO PERMIT AUTOMOTIVE SERVICE STATION (64.5 N. 60) IN A BL-CVS ZONE, SECTIONS 2501.2 & 405.2B.2. SPECIAL EXEMPTION WITH SERVICE STATION WITH LESS THAN 5000 SF AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.41D.8.  
SPECIAL EXEMPTION TO USE A SHALL PORTION OF THE SUBJECT PROPERTY (PARCEL 1A) ZONED BL AS A CAR WASH (STAKING SPACES) AND A DRIVE-THRU CAR WASH USE IN COMBINATION ON THE SAME SITE.  
VARIANCE FROM SECTION 405.4B.2 TO ALLOW AN AUTOMOTIVE SERVICE STATION WITHOUT A 10' WIDE PLANTING STRIP ALONG THE REAR PROPERTY LINE ADJUTING A RESIDENTIAL ZONE AND ADJACENT TO THE PROPOSED AND REQUIRED FENCE SCREENING, VARIANCE FROM SECTION 419.2.F. & 405.4B.4 TO PERMIT ONE (1) BUSINESS SIGN OF 200.3 SF IN LIEU OF THREE (3) SIGNS OF 100.4 SQUARE FEET EACH.  
ORDER WAS DENIED 13/9/91.  
**CASE NO. 41-44B-XA**  
SPECIAL EXEMPTION GRANTED BY BOARD OF APPEALS ON 5/2/92, AND AFFIRMED BY CIRCUIT COURT FOR BALTIMORE COUNTY ON 4/12/93 (CASE NO. 92CV3941). VARIANCES WERE FINALLY GRANTED BY BOARD OF APPEALS ON REWARD FROM CIRCUIT COURT, BY SUPPLEMENTAL OPINION AND ORDER DATED 7/22/93, AND CLARIFICATION OF SUPPLEMENTAL OPINION DATED 8/20/93.  
**CASE NO. 45-393-5PH**  
PETITION FOR SPECIAL HEARING SEEKING APPROVAL OF AN EXTENSION OF TIME IN WHICH TO UTILIZE THE SPECIAL EXEMPTION GRANTED IN PRIOR CASE NO. 41-44B-XA, GRANTED MAY 22/1995.

**PLAT TO ACCOMPANY  
PETITION FOR VARIANCES**

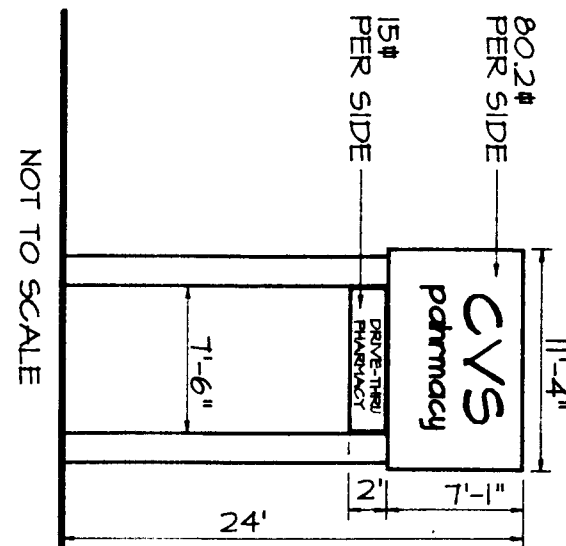
CVS/pharmacy  
4514 PHILADELPHIA ROAD

PDM #XV-546  
TAX MAP #2, PARCEL 160, GRID 21  
SUBSEQUENCED: 14  
ELECTION DISTRICT 15-05  
BALTIMORE COUNTY, MD

**THOMAS J. HOFF, INC.**  
Land Development  
Consultants  
and Landscape  
Architects  
1717 York Rd., Suite 18  
Lutherville, Md. 21093  
410-628-9225  
FAX: 628-9229

DRAWING NUMBER:  
**SP-1**

SHEET | OF |  
E:\DRAWINGS\125.DWG



**FREESTANDING DOUBLE-FACED  
ILLUMINATED SIGN DETAIL**

NOT TO SCALE



IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
cor. S/S Philadelphia Rd., SW/S \* ZONING COMMISSIONER  
of Middle River Road \*  
9519 Philadelphia Road \* OF BALTIMORE COUNTY  
15th Election District \*  
7th Councilmanic District \*  
Legal Owner: Stanley E. Lloyd \* Case No. 97-395-A  
Lessee: Philadelphia Rd., CVS, Inc. Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an Amended Petition for Variance for the property located at 9519 Philadelphia Road in eastern Baltimore County. The Petition was filed by Stanley E. Lloyd, property owner, and Philadelphia Road, CVS, Inc., Lessee. As amended, the Petition seeks variance relief as follows:

- From Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to allow a drug store with 48 parking spaces in lieu of the required 50 spaces; and
- From Section 409.8.A.1 of the BCZR and Sec. IX.C.2b(3) of the Landscape Manual to allow a commercial use with a planting strip along the rear property line abutting a residential zone with a variable width of 7.2 ft. to 10.8 ft. in lieu of the required 10 ft.; and a side property line abutting a residential use in a commercial zone with a 6.6 ft. wide planting strip in lieu of the required 10 ft.; and
- From Section 409.8.A.4 of the BCZR to allow parking spaces in a surface parking facility for a non residential use that are 5 ft. from a right of way line in lieu of the required 10 ft.

All of the subject relief and requested variances are more particularly shown on the Amended Plat to accompany the Petition for Variance marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case were William H. Knott and Daniel C. Venable on behalf of the Petitioners. Also present was Thomas J. Hoff, a landscape architect who prepared the site plan. The Petitioners were represented by Anthony J. DiPaula, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is roughly rectangular in shape, approximately .839 net acres in area, zoned B.L. The property is located at the corner of the intersection of Philadelphia Road and Middle River Road in eastern Baltimore County. Presently, the lot is unimproved, however, the Petitioners propose constructing a single story 10,125 sq. ft. CVS Pharmacy Store. Testimony and evidence presented that the store will be a full service pharmacy, which will feature the sale of medicines, limited household goods, seasonal items and similar products. It was indicated that the proposed sized store is the minimum necessary to feasibly develop the site for such a use. In addition to the proposed pharmacy, a parking area will be constructed featuring 28 spaces in the front and 10 employee spaces in the rear. A drive-thru aisle and window is also proposed, all as more particularly shown on the site plan.

The site also enjoys a lengthy zoning history. In case No. 91-498-XA, a special exception for an automobile service center and associated variance relief was granted by the County Board of Appeals in 1992 and later affirmed by the Circuit Court in 1993. Subsequently, an extension of time in which the utilization of the special exception was permitted was approved in May of 1995. Notwithstanding the approval, however, the automobile service center and related retail component were never constructed. Rather, that project was abandoned and ultimately the property owner consummated a lease with Philadelphia Road CVS, Inc.

When the instant case was filed, different variances were sought. Under the original plan for the pharmacy, more parking spaces were proposed, however, at the expense of landscaping. The Petitioners have downsized the proposed parking lot, increased the landscape buffer and amended the Petition. As noted above, 38 spaces are requested in lieu of the required 51 and a slightly diminished landscape buffer than is required is proposed.

Testimony was proffered at the hearing on behalf of Mr. Hoff, the landscape architect and Mr. Venable of CVS, Inc. about the property and project. That proffer included the description of the property and neighborhood as well as a detailed summary of the project. That testimony will not be repeated at length herein; however, was persuasive that the project is an appropriate use of this parcel and will represent an improvement to the area. It is to be noted that other similar commercial uses are located nearby and it appears that the use can be carried at this location without detrimental impact to the surrounding locale. Moreover, the Petitioners' adjustment of the site plan, to reduce parking and increase landscaping, appears appropriate. The increase in landscaping will buffer the use from nearby residential development, while providing adequate parking for the intended use.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Variance. In my judgment, the Petitioner has satisfied the requirements of Section 307 of the BCZR and the case law. The uniqueness of this site is found in its configuration and size, as well as its relationship with neighboring properties. A denial of the variance would surely result in practical difficulty to the Petitioners, in that a permitted use would not be allowed. As noted above, I find no adverse impact on surrounding properties.

In addition to the above discussion of the proposed variances, a comment is appropriate regarding the drive-thru operation. Testimony and evidence presented was that the number of vehicles served by the drive-thru facility will be limited, when compared with similar facilities. That is, the drive-thru facility will generate significantly less traffic than drive-thru facilities at a restaurant, car wash or bank, for example. It is envisioned that customers will either drop off prescriptions or pick-up medicines at the drive-thru facility but not shop for other merchandise through the drive-thru facility. Based upon the testimony and evidence presented, I am persuaded that the drive-thru aisle arrangement is appropriate for this property. An examination of the site plan is dispositive that sufficient room exists to accommodate vehicles waiting for drive-thru service. Thus, the plan shall also be approved in this respect.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of July 1997 that a variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to allow a drug store with 48 parking spaces in lieu of the required 50 spaces, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.1 of the BCZR and Sec. IX.C.2b(3) of the Landscape Manual to allow a commercial use with a planting strip along the rear property line abutting a residential zone with a variable width of 7.2 ft. to 10.8 ft., in lieu of the required 10 ft.; and a side property line abutting a residential use in a commercial zone with a 6.6 ft. wide planting strip in lieu of the required 10 ft., be and is hereby GRANTED; and,

cial zone with a 6.6 ft. wide planting strip in lieu of the required 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.4 of the BCZR to allow parking spaces in a surface parking facility for a non residential use that are 5 ft. from a right of way line in lieu of the required 10 ft., be and is hereby GRANTED, subject, however, to the following restriction:

- The Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mm



Baltimore County  
Zoning Commissioner  
Office of Planning

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386

July 16, 1997

Anthony J. DiPaula, Esquire  
Covahey and Booser, P.A.  
614 Bosley Avenue  
Towson, Maryland 21204

RE: Case No. 97-395-A  
Petition for Zoning Variance  
Property: 9519 Philadelphia Road  
Legal Owner: Stanley E. Lloyd  
Lessee: Philadelphia Road, CVS, Inc., Petitioners

Dear Mr. DiPaula:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmm

att.

Daniel C. Venable, 11729 Beltsville Drive, Beltsville, Md. 20705  
William H. Knott, 15 W. Aylesbury Road, Timonium, Md. 21093

RE: PETITION FOR VARIANCE \* BEFORE THE  
9519 Philadelphia Road, Corner S/S Philadelphia Road, SW/S Middle River Road \* ZONING COMMISSIONER  
15th Election District, 5th Councilmanic \* OF BALTIMORE COUNTY  
Legal Owner(s): Stanley E. Lloyd \* CASE NO. 97-395-A  
Lessee: Philadelphia Road CVS, Inc. Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of May, 1997, a copy of the foregoing Entry of Appearance was mailed to Anthony J. DiPaula, Esq., Covahey & Booser, 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN



Petition for Variance  
to the Zoning Commissioner of Baltimore County  
for the property located at 9519 Philadelphia Road which is presently zoned RL

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

PLEASE SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) With the governmental takings that have occurred, the site has become so reduced in size that variances are necessary. The topography of the land makes the variances also necessary. Other reasons to be assigned at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

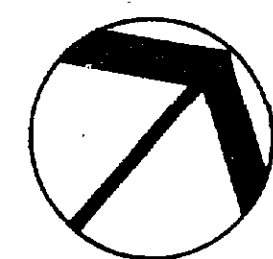
I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s): Philadelphia Road CVS, Inc. (Type or Print Name)		Legal Owner(s): Stanley E. Lloyd (Type or Print Name)	
By: William H. Knott, Esq. One CVS Drive Address: Woonsocket R.I. 02895 City: State: Zipcode:		Signature: [Signature] (Type or Print Name):	
Attorney for Petitioner: Anthony J. DiPaula (Type or Print Name) Covahey & Booser, P.A. Address: 614 Bosley Avenue 828-9441 Towson, MD 21204 City: State: Zipcode:		Address: 2630 Creene Road 557-7000 Baldwin, MD 21013 City: State: Zipcode: Name, Address and phone number of tag - view, correct purchaser or representative to be contacted: William H. Knott 15 W. Aylesbury Road 308-0050 Timonium MD 21093 City: State: Zipcode:	

ESTIMATED LENGTH OF HEARING: 2-3 hr  
The hearing date: 3/17/97  
REVIEWED BY: [Signature] DATE: 3/17/97

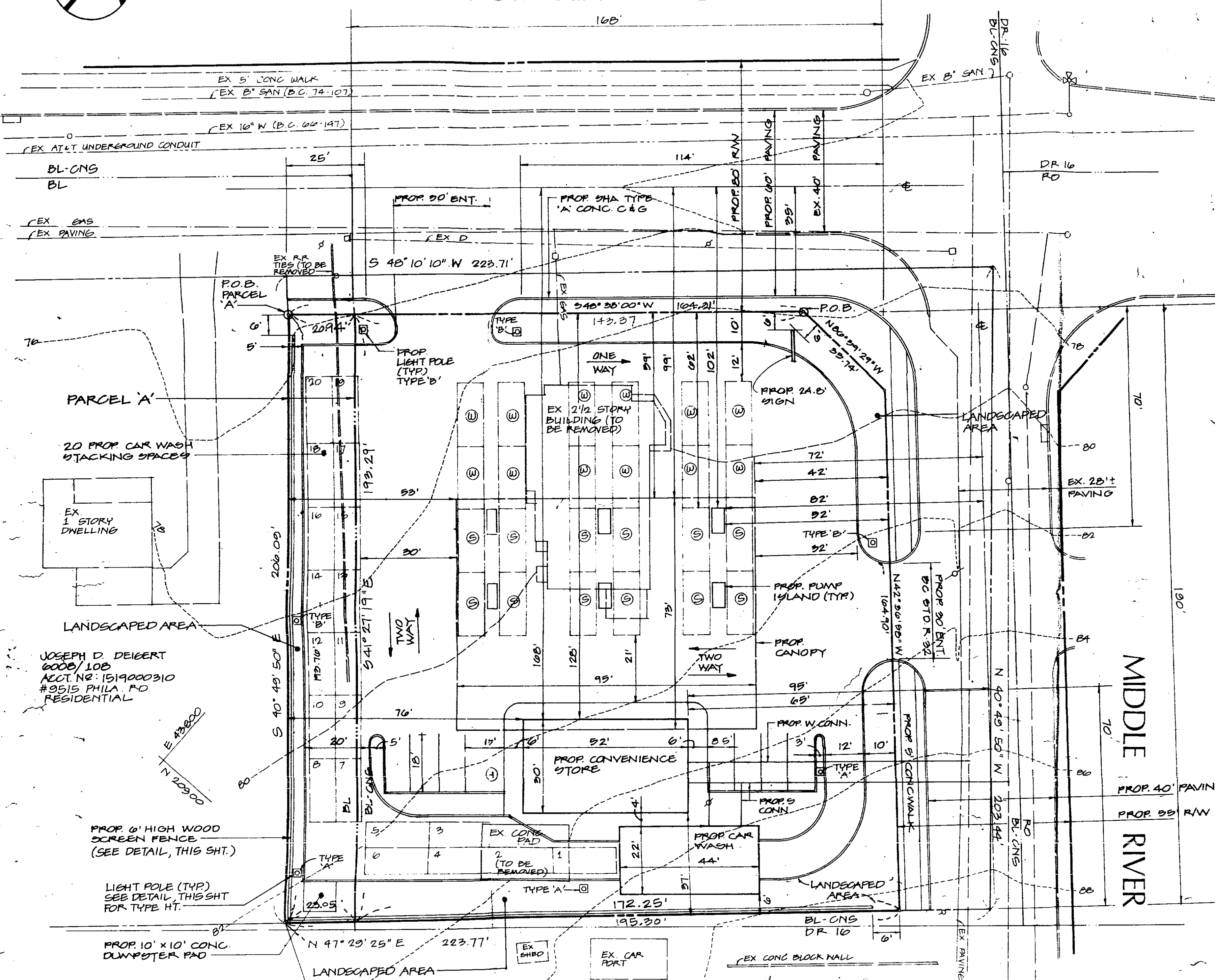
\* please call attorney  
before setting



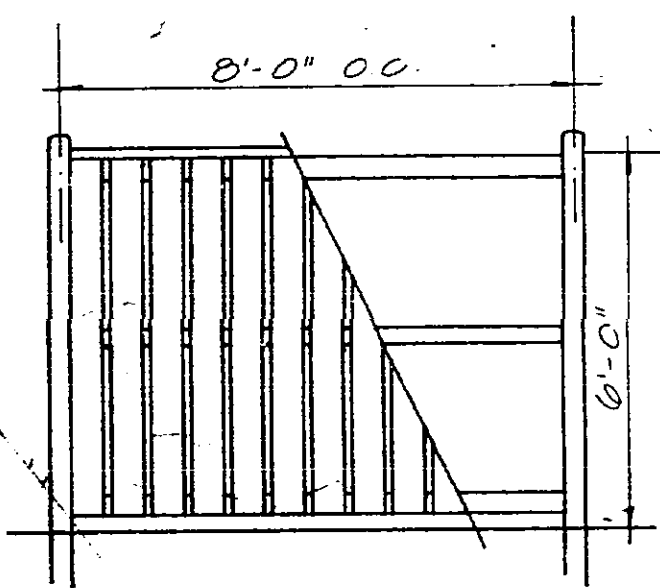


# PHILADELPHIA ROAD

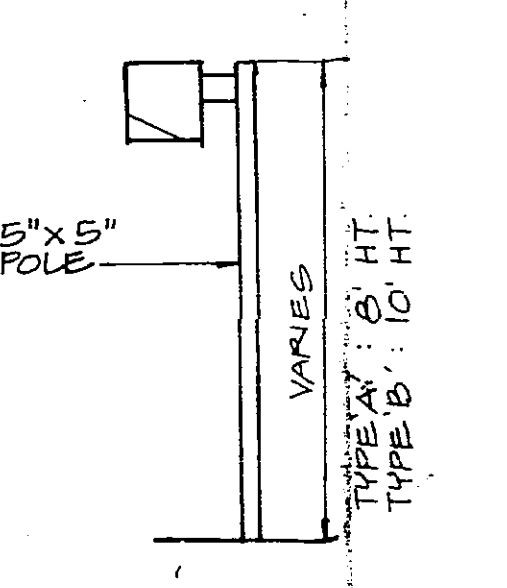
KINGS COURT SHOPPING PLAZA  
Δ 49/47



ST. PERRONE  
4773/135  
ACCT. NO. 1516151120



WOOD SCREEN FENCE  
ELEVATION - NOT TO SCALE



LIGHTING DETAIL  
NOT TO SCALE

EX. 1/2 STORY DWELLING  
WALTER KYLE  
1063/157  
ACCT. NO. 1511990010  
1210 MIDDLE RIVER RD.  
RESIDENTIAL

## SITE DATA

SITE ACREAGE:  
GROSS: 1.05 AC +/- (45,800 SF)  
NET: 0.84 AC +/- (36,571 SF)  
EXISTING ZONING:  
BL-CNS 0.74 AC +/- (32,316 SF)  
BL 0.10 AC +/- (4,255 SF)  
EXISTING USE: VACANT  
PROPOSED USE: AUTOMOTIVE SERVICE STATION & CONVENIENCE STORE WITH CAR WASH (MACHINE OPERATED DRIVE THRU). NO OTHER ANCILLARY USES ARE PROPOSED.

SITE AREA REQUIREMENTS:  
6 DISPENSER ISLANDS WITH 6 DISPENSERS, CAPABLE OF SERVING 12 CARS AT ONE TIME  
12 FUEL SERVICING SPACES @ 1500 SF / SPACE = 18,000 SF  
CONVENIENCE STORE @ 1500 SF x 4 = 6,240 SF  
CAR WASH @ 960 SF = 960 SF  
TOTAL SITE AREA REQUIRED = 25,200 SF  
TOTAL SITE AREA PROVIDED = 32,316 SF

SITE WIDTH REQUIREMENTS:  
MINIMUM SITE WIDTH REQUIRED ALONG MAJOR STREET = 90'  
SITE WIDTH PROVIDED = 168'

ACCESS POINTS:  
NUMBER OF ENTRANCES ON MAJOR STREET = 1  
NUMBER OF ENTRANCES ON MINOR STREET = 1

PARKING:  
REQUIRED:  
CONVENIENCE STORE - 1560 SF @ 5/1000 SF = 8 SP  
PROPOSED: (INCLUDES 1 HANDICAPPED SP) = 8 SP

SERVICE/STACKING SPACES:

SERVICE STATION:  
12 FUEL PUMPS @ 1 SERVICE SP + 1 STACKING SP/PUMP = 24  
TOTAL STACKING SPACES REQUIRED FOR FUEL PUMPS = 24  
TOTAL STACKING SPACES PROVIDED FOR FUEL PUMPS = 24

CAR WASH:  
NUMBER OF CARS PROCESSED DURING 1/2 HR OF OPERATION = 10  
NUMBER OF ADDITIONAL STACKING SPACES REQUIRED = 10  
TOTAL STACKING SPACES REQUIRED FOR CAR WASH = 20  
TOTAL STACKING SPACES PROVIDED FOR CAR WASH = 20

FLOOR AREA RATIO:  
MAXIMUM ALLOWED = 3.00  
PROPOSED = 2352 SF / 45,736 SF = 0.05

ADT'S:  
CONVENIENCE STORE - 1560 SF (24 HRS @ 887/1000 SF) = 1,384  
SERVICE STATION - 12 PUMPS @ 133/PUMP = 1,596  
CAR WASH - 20 CARS/HR x 8 = 160  
TOTAL ADT'S = 3,140

SETBACKS	REQUIRED	PROVIDED
CANOPY:		PHILADELPHIA/MIDDLE RIVER
10' FROM R/W	59	42
35' FROM CL	99	72
MAIN STRUCTURE:		
35' FROM R/W	128	65
60' FROM CL	168	95
FUEL PUMP ISLAND:		
15' FROM R/W	62	62
40' FROM CL	102	82
SIGNS:		
6' FROM R/W	6	6
31' FROM CL	46	

LANDSCAPE REQUIREMENTS:  
LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL. SEE SCHEMATIC LANDSCAPE PLAN, SHEET CRG-2.

LIGHTING:  
LIGHT STANDARDS SHALL BE 8' HIGH WITHIN 80' OF RESIDENTIAL ZONE AND 10' HIGH BEYOND 80' OF RESIDENTIAL ZONE.

SIGNAGE:  
ONE FREESTANDING ILLUMINATED SIGN 200.3 SF  
3 CANOPY SIGNS, ILLUMINATED (BACK LIT)  
2 BUILDING SIGNS, ILLUMINATED (BACK LIT)  
ALL CANOPY AND BUILDING SIGNS SHALL COMPLY WITH SEC. 413 AND ALL ZONING POLICIES.

ALL STANDARD PARKING SPACES SHALL BE 8.5' x 18'. STACKING SPACES SHALL BE 8.5' x 20'. ALL PARKING, LOADING, WAREHOUSING AND AISLE AREAS SHALL BE PAVED WITH A DURABLE AND DUSTLESS SURFACE OF BITUMINOUS CONCRETE AND SPACES ARE TO BE PERMANENTLY STRIPED.

CAR WASH DATA:  
CAR WASH SYSTEM SHALL BE A SLANT SYSTEMS - MODEL 560 SERIES, AUTOMATIC ROLL-OVER SYSTEM OR EQUIVALENT.  
AVERAGE WASH CYCLE PER VEHICLE 1.5 MIN.  
AVERAGE STAGING TIME PER VEHICLE 1.5 MIN.  
TOTAL AVERAGE PROCESSING TIME PER VEHICLE 3.0 MIN.

## ZONING HISTORY

CASE NO. 69  
RECLASSIFICATION FROM A RESIDENTIAL USE AREA TO A COMMERCIAL USE AREA FOR SIX TOURIST CABINS.  
ORDER GRANTED MAY 27, 1940.

PLANNING CRG NO. XX-548  
PUB. SER. CRG NO. 91-073

## LEGEND

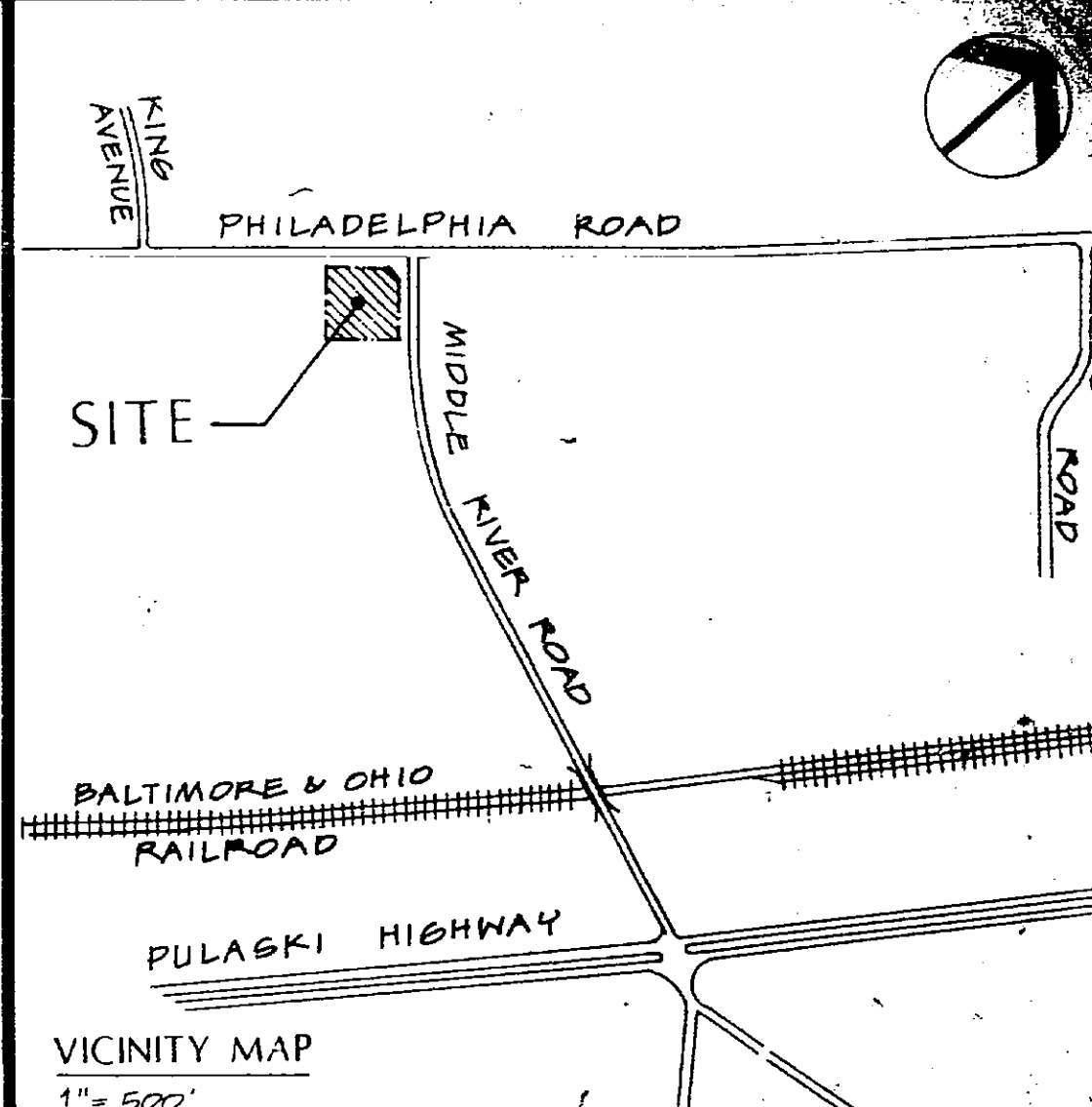
WAITING SPACE  
SERVICE SPACE

## OWNER

STANLEY LLOYD  
200 S. MAIN ST.  
BEL AIR, MD. 21014  
DEED REF. 0517/430  
ACC. NO. 1907982750

## DEVELOPER

AMOCO OIL COMPANY  
90 CHARLES T. BOGDANOWICZ  
14520 GREEN RD.  
BALDWIN, MD. 20113  
(301) 592-5914



## GENERAL NOTES

- THERE ARE NO 25% OR GREATER SLOPES ON SITE.
- SITE IS PRESENTLY PAVED WITH AN EXISTING 2 1/2" STORY BUILDING. EXISTING 2-1/2" STORY STRUCTURE, FOUNDATION AND CONCRETE PADS ON SITE ARE TO BE REMOVED. THE "HOTEL PHILADELPHIA INN", NOT INVENTORY BA 2438, HAS BEEN DETERMINED TO NOT BE A HISTORICALLY SIGNIFICANT SITE.
- THERE ARE NO EXISTING WELL OR SEPTIC AREAS ON SITE. THIS DEVELOPMENT WILL BE SERVED BY PUBLIC WATER AND SEWER.
- THERE ARE NO KNOWN UNDERGROUND TANKS, CRITICAL AREAS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIALS ON SITE.
- THERE ARE NO EXISTING STREAMS, BODIES OF WATER OR SPRINGS ON SITE.
- THERE ARE NO FLOODPLAINS, FLOOD AREAS OR 100 YR. RIVERKINE OR TIDAL AREAS ON SITE.
- LIGHT FIXTURES TO ILLUMINATE PARKING LOTS SHALL BE 30' ARRANGED AS TO REFLECT THE LIGHT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS. LIGHT STANDARDS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC BY CURBS OR LANDSCAPING.
- SIDEWALKS WILL BE REQUIRED ON ALL PUBLIC ROADS.
- CAR WASH WILL BE PROVIDED WITH AN OIL/GREASE SEPARATOR AND WASTE OIL TANK SUBJECT TO REQUIREMENTS OF THE BALTIMORE COUNTY DEPT. OF PUBLIC WORKS.
- TOPOGRAPHY AND PROPERTY LINE DATA TAKEN FROM SURVEY PERFORMED BY VITTI, ROBERT & ASSOCIATES, INC., DATED SEPT.-44, 1990.
- NO OTHER ACCESSORY USES PROPOSED.
- THE PREMISES SHALL BE MAINTAINED AT ALL TIMES IN A CLEAN AND ORDERLY CONDITION AND THERE SHALL BE NO STORAGE OF TRASH OR IMPERMISSIBLE VEHICLES.
- HOURS OF OPERATION SHALL BE 24 HOURS/DAY.

## ZONING PUBLIC HEARING REQUEST

- SPECIAL EXCEPTION TO PERMIT AUTOMOTIVE SERVICE STATION (GAS, WASH) IN A BL-CNS ZONE, SECTIONS 230.13 & 405.2.B.2.
- SPECIAL EXCEPTION TO PERMIT A CAR WASH AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.4.
- SPECIAL EXCEPTION TO PERMIT A MOBILE STORAGE OF LESS THAN 5000 SF AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.8.
- SPECIAL EXCEPTION TO USE A SMALL PORTION OF THE SUBJECT PROPERTY (PARCEL "A") ZONED BL AS A CAR WASH (STACKING SPACES ONLY) ACCESSORY TO THE CAR WASH USE IN COMBINATION ON THE SAME SITE.
- VARIANCE FROM SECTION 405.4.B.2 TO ALLOW AN AUTOMOTIVE SERVICE STATION WITHOUT A 10' WIDE PLANTING STRIP ALONG THE REAR PROPERTY LINE ABUTTING A RESIDENTIAL ZONE AND ADJACENT TO THE PROPOSED AND REQUIRED FENCE SCREENING.
- VARIANCE FROM SECTIONS 413.2.f. & 405.4.B.4 TO PERMIT ONE (1) BUSINESS SIGN OF 200.3 SF IN LIEU OF THREE (3) SIGNS OF 100 SF AS PERMITTED.

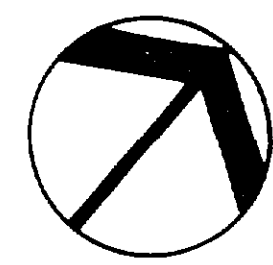
PLAT TO ACCOMPANY PETITIONS FOR  
SPECIAL EXCEPTIONS AND VARIANCES

AMOCO OIL COMPANY  
9519 PHILADELPHIA ROAD

WATERSHE: 6 SUBWERSHED: 14  
COUNCILMAN: 10 DISTRICT NO. 5 CENSUS TRACT: 4512  
ELECTION: 1 STREET NO. 15  
BALTIMORE COUNTY, MD.

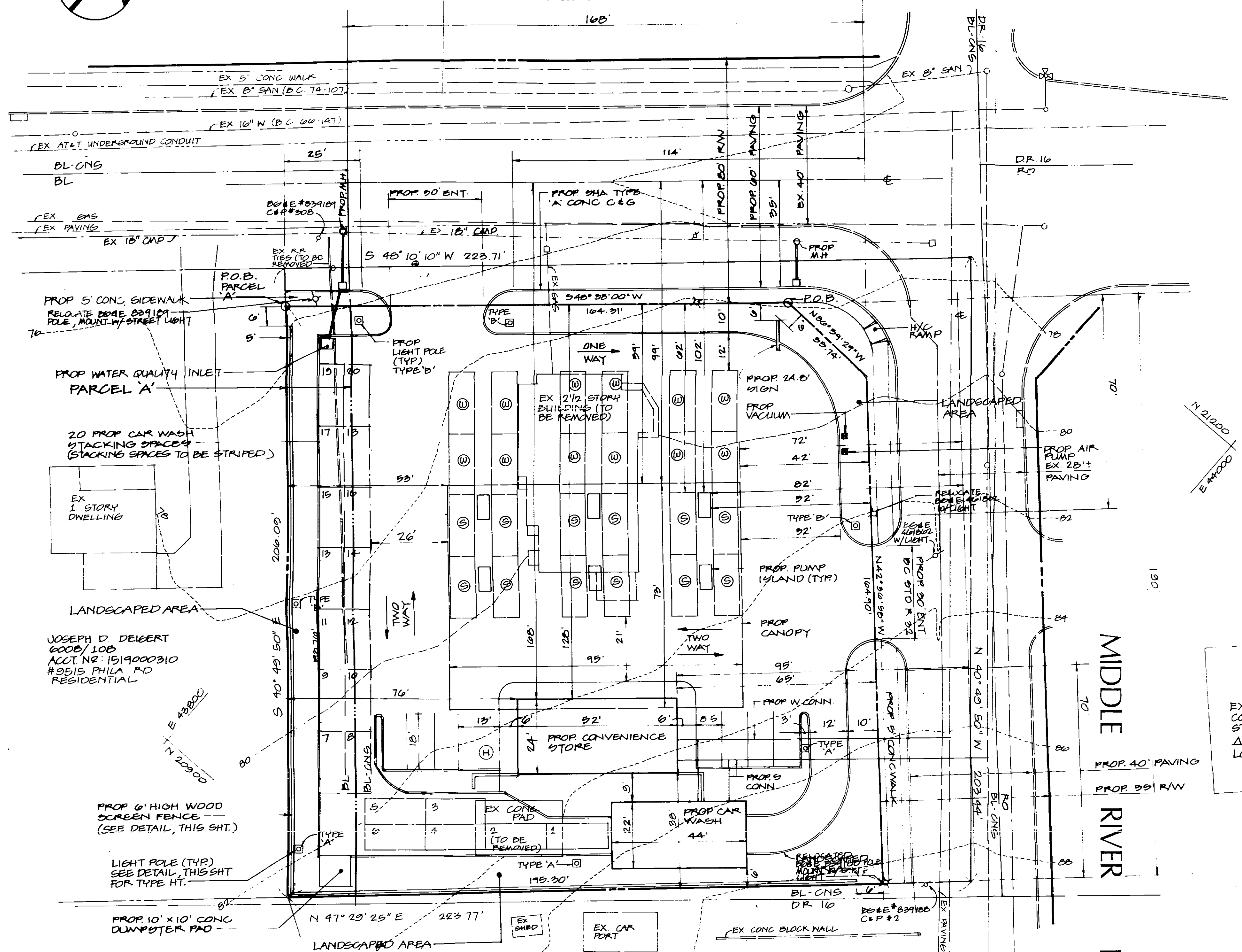
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	DATE: 6/14/91
	JOB NO.: 125/01
	DESIGNED: TJH
	DRAWN: JBJ
	CHECKED: TJH
	DRAWING NUMBER:
	ZON-1
	SHEET 1 OF 2



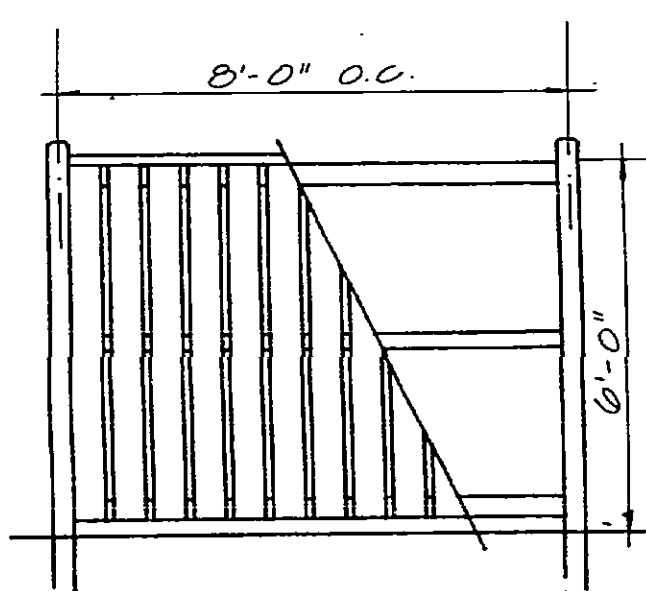


# PHILADELPHIA ROAD

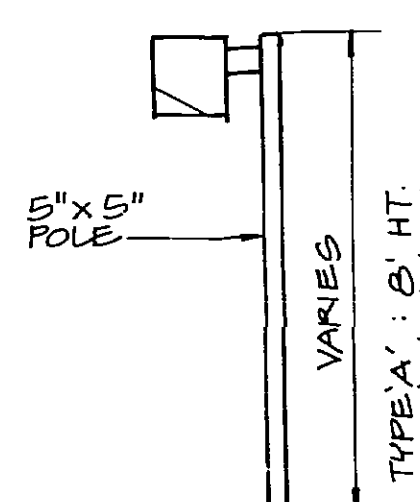
KINGS COURT SHOPPING PLAZA  
Δ 43/47



S.T. PENRONE  
4773/135  
ACCT NO. 1516151120  
VACANT



WOOD SCREEN FENCE  
ELEVATION - NOT TO SCALE



LIGHTING DETAIL  
NOT TO SCALE

LAWRENCE W. CLOW  
8000/473  
ACCT NO. 1511990010  
1210 MIDDLE RIVER RD  
RESIDENTIAL

## SITE DATA

SITE ACREAGE:  
GROSS: 1.05 AC +/- (45,800 SF)  
NET: 0.84 AC +/- (36,571 SF)  
EXISTING ZONING: BL-CNS  
BL: 0.74 AC +/- (32,316 SF)  
0.10 AC +/- (4,255 SF)  
EXISTING USE: VACANT  
PROPOSED USE: AUTOMOTIVE SERVICE STATION & CONVENIENCE STORE WITH CAR WASH (MACHINE OPERATED DRIVE THRU). NO OTHER ANCILLARY USES ARE PROPOSED.

SITE AREA REQUIREMENTS:  
6 DISPENSER ISLANDS WITH 6 DISPENSERS, CAPABLE OF SERVING 12 CARS AT ONE TIME  
12 FUEL SERVICING SPACES @ 1500 SF/SPACE = 18,000 SF  
CONVENIENCE STORE @ 1560 SF X 4 = 6,240 SF  
CAR WASH @ 368 SF = 368 SF  
TOTAL SITE AREA REQUIRED = 25,208 SF  
TOTAL SITE AREA PROVIDED = 32,316 SF

SITE WIDTH REQUIREMENTS:  
MINIMUM SITE WIDTH REQUIRED ALONG MAJOR STREET = 90'  
SITE WIDTH PROVIDED = 168'

ACCESS POINTS:  
NUMBER OF ENTRANCES ON MAJOR STREET = 1  
NUMBER OF ENTRANCES ON MINOR STREET = 1

PARKING:  
REQUIRED:  
CONVENIENCE STORE - 1560 SF @ 5/1000 SF = 8 SP  
PROPOSED: (INCLUDES 1 HANDICAPPED SP) = 8 SP

SERVICE/STAGING SPACES:

SERVICE STATION:  
12 FUEL PUMPS @ 1 SERVICE SP + 1 STAGING SP/PUMP = 24  
TOTAL STAGING SPACES REQUIRED FOR FUEL PUMPS = 24  
TOTAL STAGING SPACES PROVIDED FOR FUEL PUMPS = 24  
CAR WASH:  
NUMBER OF CARS PROCESSED DURING 1/2 HR OF OPERATION = 10  
NUMBER OF ADDITIONAL STAGING SPACES REQUIRED = 10  
TOTAL STAGING SPACES REQUIRED FOR CAR WASH = 20  
TOTAL STAGING SPACES PROVIDED FOR CAR WASH = 20

FLOOR AREA RATIO:  
MAXIMUM ALLOWED = 3.00  
PROPOSED = 2352 SF / 45,738 SF = 0.05

AUT'S:  
CONVENIENCE STORE - 1560 SF (24 HRS @ 887/1000 SF) = 1,384  
SERVICE STATION - 12 PUMPS @ 133/PUMP = 1,596  
CAR WASH - 20 CARS/HR X 8 = 160  
TOTAL AUT'S = 3,140

SETBACKS	REQUIRED	PHILADELPHIA/MIDDLE RIVER
CANOPY:	10' FROM R/W	59
	35' FROM CL	99
MAIN STRUCTURE:	35' FROM R/W	128
	60' FROM CL	168
FUEL PUMP ISLAND:	15' FROM R/W	62
	40' FROM CL	102
SIGNS:	6' FROM R/W	6
	31' FROM CL	46

LANDSCAPE REQUIREMENTS:  
LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL. SEE SCHEMATIC LANDSCAPE PLAN, SHEET CRG-2.

LIGHTING:  
LIGHT STANDARDS SHALL BE 8' HIGH WITHIN 80' OF RESIDENTIAL ZONE AND 10' HIGH BEYOND 80' OF RESIDENTIAL ZONE.

SIGNAGE:  
ONE FREESTANDING ILLUMINATED SIGN = 200.3 SF  
3 CANOPY SIGNS, ILLUMINATED (BACK LIT)  
2 BUILDING SIGNS, ILLUMINATED (BACK LIT)  
ALL CANOPY AND BUILDING SIGNS SHALL COMPLY WITH SEC. 413 AND ALL ZONING POLICIES.

ALL STANDARD PARKING SPACES SHALL BE 8.5' X 18'. STAGING SPACES SHALL BE 8.5' X 20'. ALL PARKING, LOADING, MANEUVERING AND AISLE AREAS SHALL BE PAVED WITH A DURABLE AND CRESTLESS SURFACE OF BITUMINOUS CONCRETE AND SPACES ARE TO PERMANENTLY STRIPED.

CAR WASH DATA:  
CAR WASH SYSTEM SHALL BE A SLANT SYSTEMS - MODEL 560 SERIES, AUTOMATIC ROLL-OVER SYSTEM OR EQUIVALENT.  
AVERAGE WASH CYCLE PER VEHICLE = 1.5 MIN.  
AVERAGE STAGING TIME PER VEHICLE = 1.5 MIN.  
TOTAL AVERAGE PROCESSING TIME PER VEHICLE = 3.0 MIN.

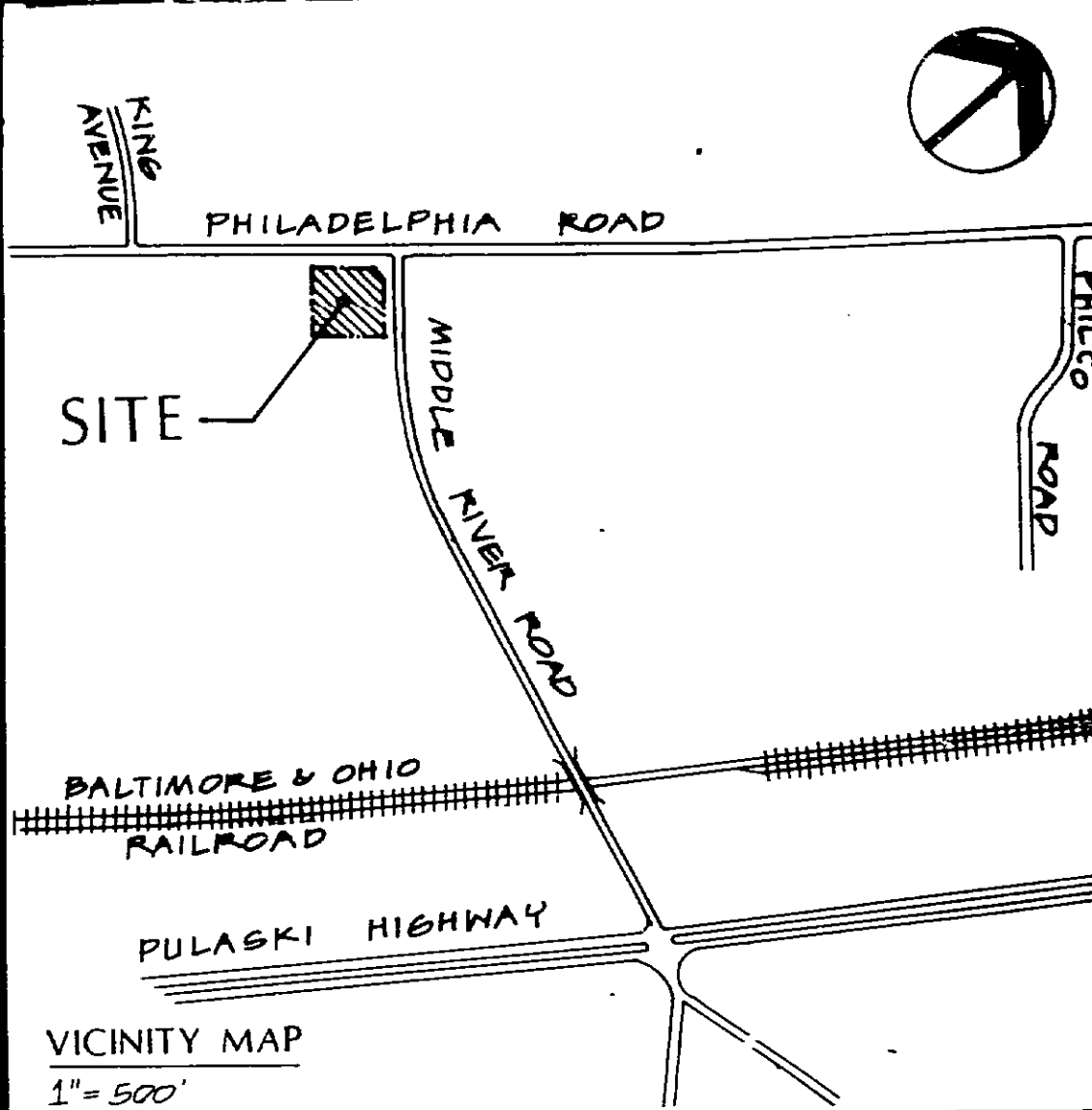
## ZONING HISTORY

CASE NO. 69  
RECLASSIFICATION FROM A RESIDENTIAL USE AREA TO A COMMERCIAL USE AREA FOR SIX TOURIST CADINS.  
ORDER GRANTED MAY 27, 1940.

PLANNING CRG NO. XX-548  
PUB. SER. CRG NO. 91-073

OWNER  
STANLEY LLOYD  
200 S. MAIN ST.  
BEL AIR, MD. 21014  
DEED REF. 0517/430  
ACCT NO. 1510152250

DEVELOPER  
AMOCO OIL COMPANY  
900 CHARLES T. BOGDANOWICZ  
14500 GREEN RD  
BALDWIN, MD. 21013  
(301) 582-3014



## GENERAL NOTES

- THERE ARE NO 25% OR GREATER SLOPES ON SITE.
- SITE IS PRESENTLY PAVED WITH AN EXISTING 2 1/2 STORY BUILDING. EXISTING 2-1/2 STORY STRUCTURE, FOUNDATION AND CONCRETE PADS ON SITE ARE TO REMAIN. THE "OLDE PHILADELPHIA INN", MHT INVENTORY BA 2438, HAS BEEN DETERMINED TO NOT BE A HISTORICALLY SIGNIFICANT SITE.
- THERE ARE NO EXISTING WELL OR SEPTIC AREAS ON SITE. THIS DEVELOPMENT WILL BE SERVED BY PUBLIC WATER AND SEWER.
- THERE ARE NO KNOWN UNDERGROUND TANKS, CRITICAL AREAS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIALS ON SITE.
- THERE ARE NO EXISTING STREAMS, BODIES OF WATER OR SPRINGS ON SITE.
- THERE ARE NO FLOODPLAINS, FLOOD AREAS OR 100 YR. RIVERINE OR TIDAL AREAS ON SITE.
- LIGHT FIXTURES TO ILLUMINATE PARKING LOT SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS. LIGHT STANDARDS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC BY CURBING OR LANDSCAPING.
- SIDEWALKS WILL BE REQUIRED ON ALL PUBLIC ROADS.
- CAR WASH WILL BE PROVIDED WITH AN OIL/GREASE SEPARATOR INLET AND WASTE OIL TANK SUBJECT TO REQUIREMENTS OF THE BALTIMORE COUNTY DEPRM.
- TOPOGRAPHY AND PROPERTY LINE DATA TAKEN FROM SURVEY PREPARED BY VITTI, ROBE & ASSOCIATES, INC., DATED SEPT. 14, 1990.
- NO OTHER ACCESSORY USES PROPOSED.
- THE PREMISES SHALL BE MAINTAINED AT ALL TIMES IN A CLEAN AND ORDERLY CONDITION AND THERE SHALL BE NO STORAGE OF DAMAGED OR IMPROPERLY VEHICLES.
- HOURS OF OPERATION SHALL BE 24 HOURS/DAY.

## ZONING CASE #91-498-XA

- SPECIAL EXCEPTION TO PERMIT AUTOMOTIVE SERVICE STATION (GAS N' GO) IN A BL-CNS ZONE, SECTIONS 230.13 & 405.2.B.2.
- SPECIAL EXCEPTION TO PERMIT A CAR WASH AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.4.
- SPECIAL EXCEPTION TO PERMIT A FOOD STORE OF LESS THAN 5000 SF AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.8.
- SPECIAL EXCEPTION TO USE A SMALL PORTION OF THE SUBJECT PROPERTY (PARCEL "A") ZONED BL AS A CAR WASH (STAGING SPACES ONLY) ACCESSORY TO THE CAR WASH USE IN COMBINATION ON THE SAME SITE.
- VARIANCE FROM SECTION 405.4.B.2 TO ALLOW AN AUTOMOTIVE SERVICE STATION WITHOUT A 10' WIDE PLANTING STRIP ALONG THE REAR PROPERTY LINE ADJUTING A RESIDENTIAL ZONE AND ADJACENT TO THE PROPOSED AND REQUIRED FENCE SCREENING.
- VARIANCE FROM SECTIONS 413.2.f. & 405.4.B.4 TO PERMIT ONE (1) BUSINESS SIGN OF 200.3 SF IN LIEU OF THREE (3) SIGNS OF 100 SF AS PERMITTED.

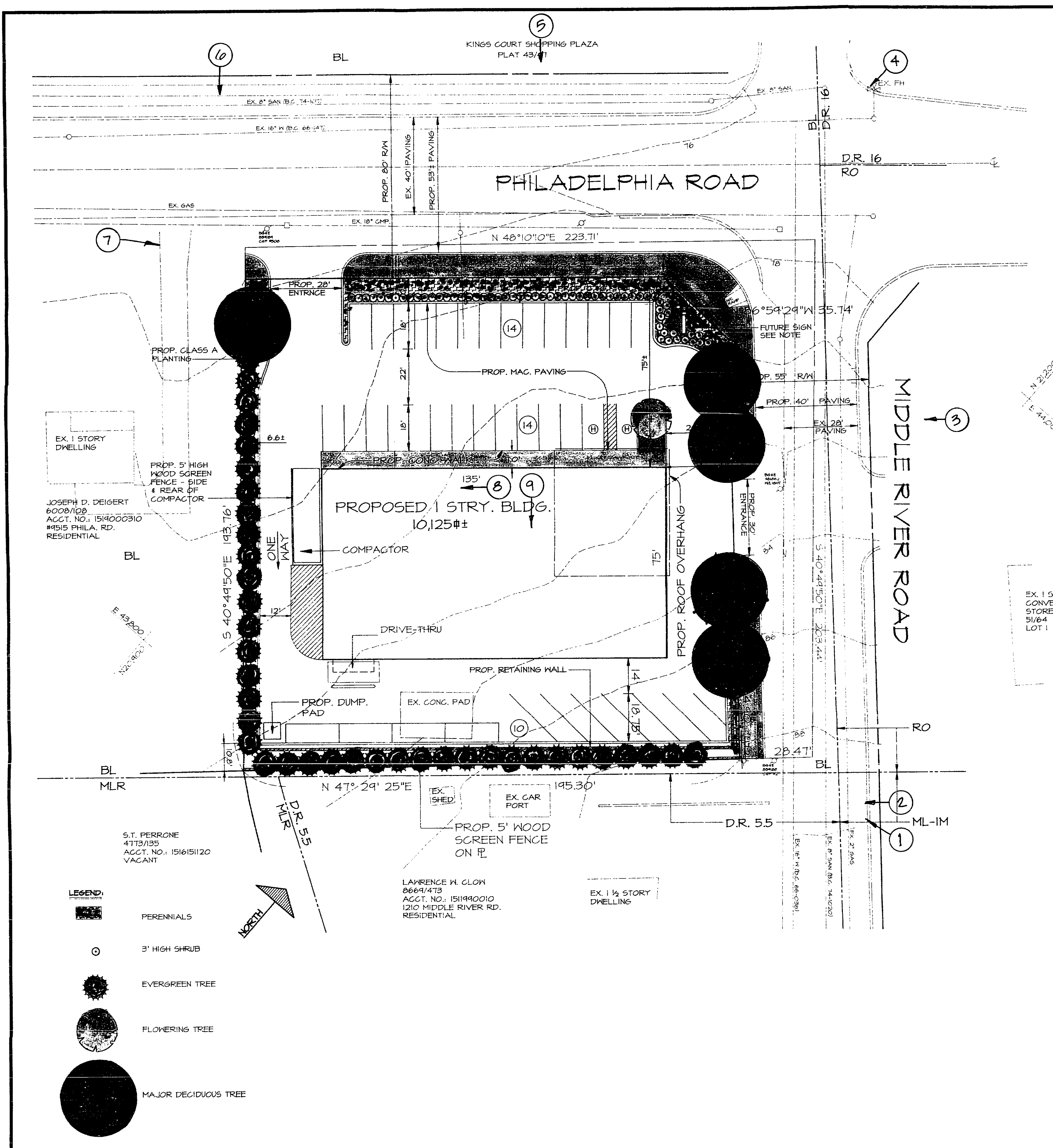
PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

AMOCO OIL COMPANY  
9519 PHILADELPHIA ROAD

WATERSHED: 6 SUBWATERSHED: 14  
COUNCILMANIC DISTRICT NO. 6 CENSUS TRACT 4513  
ELECTION DISTRICT NO. 15 CS  
BALTIMORE COUNTY, MD.

REVISIONS: 01/19/95 - TJH	SCALE: 1"=20'
DATE: 6/14/91	JOB NO.: 125/01
DESIGNED: TJH	DRAWN: J&J
CHECKED: TJH	DRAWING NUMBER:
	ZON-1
	SHEET 1 OF 2





**SITE DATA:**  
 GROSS SITE AREA: 45,801±1.021 ACRES  
 AREA IN HIGHWAY WIDENING: 4,239±0.212 ACRES  
 NET SITE AREA: 36,568±0.834 ACRES

**PARKING CALCULATIONS:**  
 REQUIRED: 10,125 ÷ 5/1000 = 51 SPACES  
 PROPOSED: 30 SPACES  
 INCLUDES 2 HANDICAPPED SPACES.

**F.A.R.:**  
 MAXIMUM ALLOWED: 3.00  
 PROPOSED: 10,125/45,801 = 0.22

**EXISTING ZONING:** BL  
**EXISTING USE:** VACANT  
**PROPOSED USE:** PHARMACY

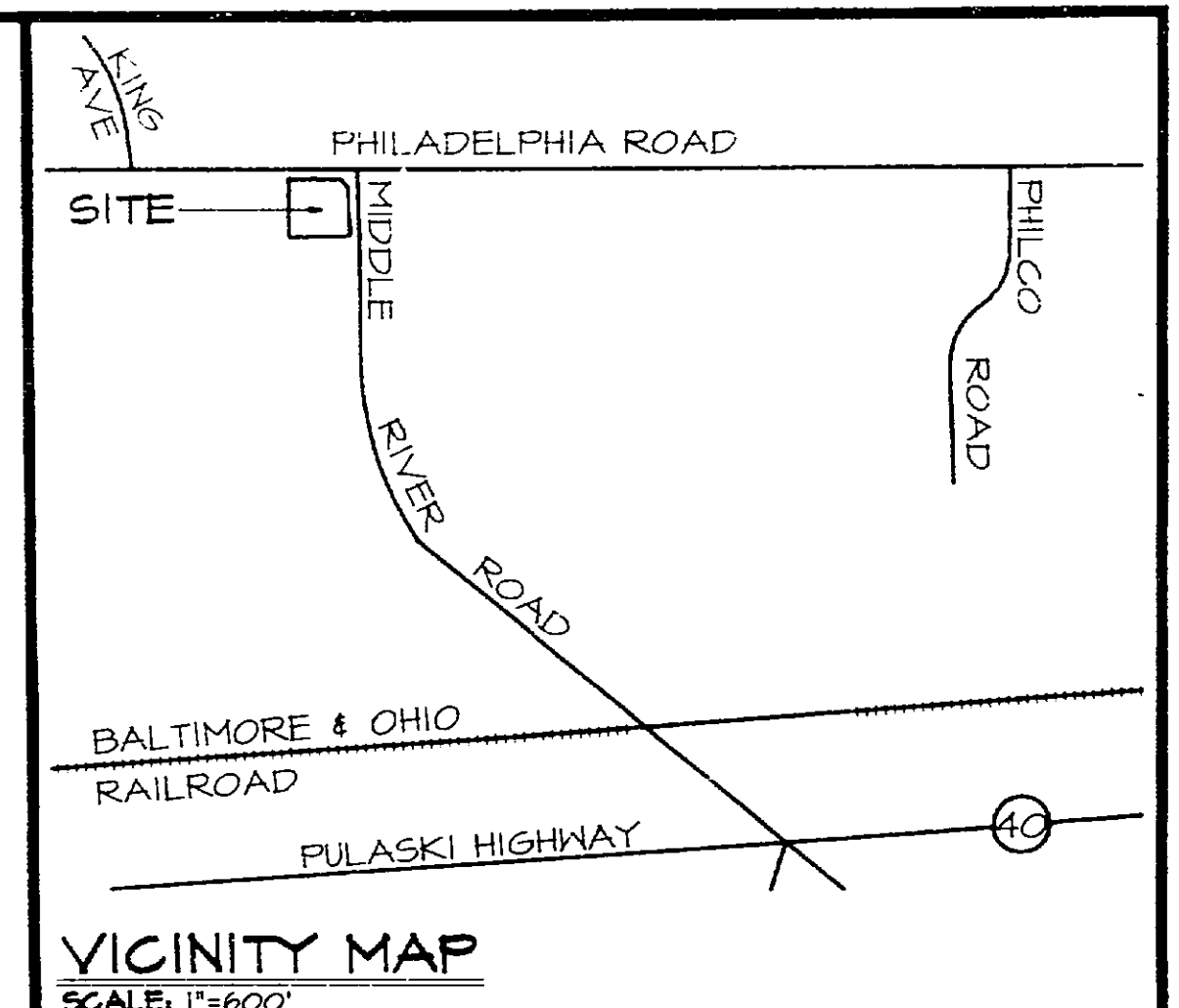
**LANDSCAPE REQUIREMENT:**  
 LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.

**LIGHTING:**  
 • LIGHT STANDARDS SHALL BE 8' HIGH WITHIN 80' OF RESIDENTIAL ZONE AND 10' HIGH BEYOND 80' OF RESIDENTIAL ZONE.  
 • ON SITE LIGHTING SHALL BE SO ARRANGED AND SHIELDED AS TO CONFINED ALL DIRECT LIGHT RAYS ENTIRELY WITHIN THE BOUNDARY LINE OF THE SITE AND TO PREVENT REFLECTED LIGHT RAYS FROM SHINING OR GLARING ONTO ANY PORTION OF ANY ADJACENT MOTORWAY OR INTO THE PATH OF ONCOMING VEHICLES.

**SIGNAGE:**  
 THERE ARE NO EXISTING FREE-STANDING SIGNS ON SITE AND THERE ARE NO PROPOSED FREE-STANDING SIGNS AT THIS TIME. HOWEVER, THE DEVELOPER RESERVES THE RIGHT TO INSTALL A FREE-STANDING SIGN IN THE FUTURE. THE DEVELOPER UNDERSTANDS THAT ANY FUTURE FREE-STANDING SIGN MUST COMPLY WITH SECTION 413.6 (BCZR). ALL ZONING SIGN POLICIES AND MUST BE ISSUED A PERMIT.

**NOTES:**  
 1. NO PREVIOUS COMMERCIAL PERMIT FOR THE PAST 10 YEARS ON THIS SITE.  
 2. ALL STANDARD PARKING SPACES SHALL BE 8.5'x18'. STACKING SPACES SHALL BE 8.5'x20'. ALL PARKING, LOADING, MANEUVERING AND AISLE AREA SHALL BE PAVED WITH A DURABLE AND DUSTLESS SURFACE OF BITUMINOUS CONCRETE AND SPACES ARE TO PERMANENTLY STRIPED.

**VARIANCES REQUESTED:**  
 ATTACHMENT TO PETITION FOR VARIANCE - 9515 PHILADELPHIA ROAD  
 1. 409.6A2 TO ALLOW A DRUG STORE WITH 30 PARKING SPACES IN LIEU OF THE REQUIRED 51 SPACES.  
 2. 409.8A1 AND SECTION IX.C.2.b (3) OF THE LANDSCAPE MANUAL TO ALLOW A COMMERCIAL USE WITH A PLANTING STRIP ALONG THE REAR PROPERTY LINE ABUTTING A RESIDENTIAL ZONE WITH A VARIABLE WIDTH OF 1.2' TO 10.8' IN LIEU OF THE REQUIRED 10', AND A SIDE PROPERTY LINE ABUTTING A RESIDENTIAL USE IN A COMMERCIAL ZONE WITH A 6.6' WIDE PLANTING STRIP IN LIEU OF THE REQUIRED 10'.  
 3. 409.8A4 TO ALLOW PARKING SPACES IN A SURFACE PARKING FACILITY FOR A NON-RESIDENTIAL USE THAT ARE 5' FROM THE RIGHT OF WAY LINE IN LIEU OF THE REQUIRED 10'.



**CRG HISTORY:**  
 PLANNING CRG NO. XV-548  
 PUB. SER. CRG NO.: 91-073  
 APPROVED ON 8/13/92 AND 4/22/93 FOR AN AUTO-SERVICE STATION.

**ZONING HISTORY:**  
 THIS SITE IS LOCATED ON ZONING MAP N.E. 6-41, BALTIMORE COUNTY.  
**CASE NO. 61**  
 RECLASSIFICATION FROM A RESIDENTIAL USE AREA TO A COMMERCIAL USE AREA FOR SIX TOURIST CABINS.  
 ORDER GRANTED MAY 27, 1940.  
**CASE NO. 91-440-XA**  
 • SPECIAL EXCEPTION TO PERMIT AUTOMOTIVE SERVICE STATION (GAS N° 60) IN A BL-CNS ZONE, SECTIONS 230.13 & 405.2.B.2.  
 • SPECIAL EXCEPTION TO PERMIT A CAR WASH AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.4.  
 • SPECIAL EXCEPTION TO PERMIT A FOOD STORE OF LESS THAN 5000 SF AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.8.  
 • SPECIAL EXCEPTION TO USE A SMALL PORTION OF THE SUBJECT PROPERTY (PARCEL "A") ZONED BL AS A CAR WASH (STACKING SPACES ONLY) ACCESSORY TO THE CAR WASH USE IN COMBINATION ON THE SAME SITE.  
 • VARIANCE FROM SECTION 405.4.B.2 TO ALLOW AN AUTOMOTIVE SERVICE STATION WITHOUT A 10' WIDE PLANTING STRIP ALONG THE REAR PROPERTY LINE ABUTTING A RESIDENTIAL ZONE AND ADJACENT TO THE PROPOSED AND REQUIRED FENCE SCREENING.  
 • VARIANCE FROM SECTION 413.2.F & 405.4.B.4 TO PERMIT ONE (1) BUSINESS SIGN OF 200.3 SF IN LIEU OF THREE (3) SIGNS OF 100 SF AS PERMITTED.  
 ORDER WAS DENIED, 13/9/91.  
**CASE NO. 91-440-XA**  
 SPECIAL EXCEPTION GRANTED BY BOARD OF APPEALS ON 5/2/92, AND AFFIRMED BY CIRCUIT COURT FOR BALTIMORE COUNTY ON 4/12/93 (CASE NO. 92CV5384); VARIANCES WERE FINALLY GRANTED BY BOARD OF APPEALS ON REMAND FROM CIRCUIT COURT, BY SUPPLEMENTAL OPINION AND ORDER DATED 7/22/93, AND CLARIFICATION OF SUPPLEMENTAL OPINION DATED 8/20/93.  
**CASE NO. 95-353-5PH**  
 PETITION FOR SPECIAL HEARING SEEKING APPROVAL OF AN EXTENSION OF TIME IN WHICH TO UTILIZE THE SPECIAL EXCEPTION GRANTED IN PRIOR CASE NO. 91-440-XA, GRANTED MAY 22, 1995.

**PLAT TO ACCOMPANY  
PETITION FOR VARIANCES**

**CVS/pharmacy**  
 9519 PHILADELPHIA ROAD

PDM #XV-548  
 TAX MAP 82, PARCEL 160, GRID 21  
 CENSUS TRACT: 4513  
 WATERSHED: 6  
 ELECTION DISTRICT 15 C5  
 BALTIMORE COUNTY, MD

SUBSEWERSED: 14  
 COUNCILMANIC 6

 <b>THOMAS J. HOFF, INC.</b> Land Development Consultants and Landscape Architects 1717 York Rd., Suite 18 Lutherville, Md. 21093 410-628-9225 FAX: 628-9229	<b>REVISIONS:</b> 1/19/91, SLV.	SCALE: 1"=20' DATE: 5/14/97 JOB NO.: 125-01 DESIGNED: T.J.H. DRAWN: SLV CHECKED: DRAWING NUMBER: <b>SP-1</b>
	SHEET OF E:\DRAWINGS\125.DWG	

**PETITIONER'S  
CITY CLERK No 2**





IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
cor. S/S Philadelphia Rd., SW/S \* ZONING COMMISSIONER  
of Middle River Road \*  
9519 Philadelphia Road \* OF BALTIMORE COUNTY  
15th Election District \*  
7th Councilmanic District \*  
Legal Owner: Stanley E. Lloyd \* Case No. 97-395-A  
Lessee: Philadelphia Rd., CVS, Inc. Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an Amended Petition for Variance for the property located at 9519 Philadelphia Road in eastern Baltimore County. The Petition was filed by Stanley E. Lloyd, property owner, and Philadelphia Road, CVS, Inc., Lessee. As amended, the Petition seeks variance relief as follows:

- From Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to allow a drug store with 48 parking spaces in lieu of the required 50 spaces; and
- From Section 409.8.A.1 of the BCZR and Sec. IX.C.2b(3) of the Landscape Manual to allow a commercial use with a planting strip along the rear property line abutting a residential zone with a variable width of 7.2 ft. to 10.8 ft. in lieu of the required 10 ft.; and a side property line abutting a residential use in a commercial zone with a 6.6 ft. wide planting strip in lieu of the required 10 ft.; and
- From Section 409.8.A.4 of the BCZR to allow parking spaces in a surface parking facility for a non residential use that are 5 ft. from a right of way line in lieu of the required 10 ft.

All of the subject relief and requested variances are more particularly shown on the Amended Plat to accompany the Petition for Variance marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case were William H. Knott and Daniel C. Venable on behalf of the Petitioners. Also present was Thomas J. Hoff, a landscape architect who prepared the site plan. The Petitioners were represented by Anthony J. DiPaula, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is roughly rectangular in shape, approximately .839 net acres in area, zoned B.L. The property is located at the corner of the intersection of Philadelphia Road and Middle River Road in eastern Baltimore County. Presently, the lot is unimproved, however, the Petitioners propose constructing a single story 10,125 sq. ft. CVS Pharmacy Store. Testimony and evidence presented that the store will be a full service pharmacy, which will feature the sale of medicines, limited household goods, seasonal items and similar products. It was indicated that the proposed sized store is the minimum necessary to feasibly develop the site for such a use. In addition to the proposed pharmacy, a parking area will be constructed featuring 28 spaces in the front and 10 employee spaces in the rear. A drive-thru aisle and window is also proposed, all as more particularly shown on the site plan.

The site also enjoys a lengthy zoning history. In case No. 91-498-XA, a special exception for an automobile service center and associated variance relief was granted by the County Board of Appeals in 1992 and later affirmed by the Circuit Court in 1993. Subsequently, an extension of time in which the utilization of the special exception was permitted was approved in May of 1995. Notwithstanding the approval, however, the automobile service center and related retail component were never constructed. Rather, that project was abandoned and ultimately the property owner consummated a lease with Philadelphia Road CVS, Inc.

When the instant case was filed, different variances were sought. Under the original plan for the pharmacy, more parking spaces were proposed, however, at the expense of landscaping. The Petitioners have downsized the proposed parking lot, increased the landscape buffer and amended the Petition. As noted above, 38 spaces are requested in lieu of the required 51 and a slightly diminished landscape buffer than is required is proposed.

Testimony was proffered at the hearing on behalf of Mr. Hoff, the landscape architect and Mr. Venable of CVS, Inc. about the property and project. That proffer included the description of the property and neighborhood as well as a detailed summary of the project. That testimony will not be repeated at length herein; however, was persuasive that the project is an appropriate use of this parcel and will represent an improvement to the area. It is to be noted that other similar commercial uses are located nearby and it appears that the use can be carried at this location without detrimental impact to the surrounding locale. Moreover, the Petitioners' adjustment of the site plan, to reduce parking and increase landscaping, appears appropriate. The increase in landscaping will buffer the use from nearby residential development, while providing adequate parking for the intended use.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Variance. In my judgment, the Petitioner has satisfied the requirements of Section 307 of the BCZR and the case law. The uniqueness of this site is found in its configuration and size, as well as its relationship with neighboring properties. A denial of the variance would surely result in practical difficulty to the Petitioners, in that a permitted use would not be allowed. As noted above, I find no adverse impact on surrounding properties.

In addition to the above discussion of the proposed variances, a comment is appropriate regarding the drive-thru operation. Testimony and evidence presented was that the number of vehicles served by the drive-thru facility will be limited, when compared with similar facilities. That is, the drive-thru facility will generate significantly less traffic than drive-thru facilities at a restaurant, car wash or bank, for example. It is envisioned that customers will either drop off prescriptions or pick-up medicines at the drive-thru facility but not shop for other merchandise through the drive-thru facility. Based upon the testimony and evidence presented, I am persuaded that the drive-thru aisle arrangement is appropriate for this property. An examination of the site plan is dispositive that sufficient room exists to accommodate vehicles waiting for drive-thru service. Thus, the plan shall also be approved in this respect.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of July 1997 that a variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to allow a drug store with 48 parking spaces in lieu of the required 50 spaces, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.1 of the BCZR and Sec. IX.C.2b(3) of the Landscape Manual to allow a commercial use with a planting strip along the rear property line abutting a residential zone with a variable width of 7.2 ft. to 10.8 ft., in lieu of the required 10 ft.; and a side property line abutting a residential use in a commercial zone with a 6.6 ft. wide planting strip in lieu of the required 10 ft., be and is hereby GRANTED; and,

cial zone with a 6.6 ft. wide planting strip in lieu of the required 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.4 of the BCZR to allow parking spaces in a surface parking facility for a non residential use that are 5 ft. from a right of way line in lieu of the required 10 ft., be and is hereby GRANTED, subject, however, to the following restriction:

- The Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mm



Baltimore County  
Zoning Commissioner  
Office of Planning

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386

July 16, 1997

Anthony J. DiPaula, Esquire  
Covahey and Booser, P.A.  
614 Bosley Avenue  
Towson, Maryland 21204

RE: Case No. 97-395-A  
Petition for Zoning Variance  
Property: 9519 Philadelphia Road  
Legal Owner: Stanley E. Lloyd  
Lessee: Philadelphia Road, CVS, Inc., Petitioners

Dear Mr. DiPaula:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmm

att.

Daniel C. Venable, 11729 Beltsville Drive, Beltsville, Md. 20705  
William H. Knott, 15 W. Aylesbury Road, Timonium, Md. 21093

RE: PETITION FOR VARIANCE \* BEFORE THE  
9519 Philadelphia Road, Corner S/S Philadelphia Road, SW/S Middle River Road \* ZONING COMMISSIONER  
15th Election District, 5th Councilmanic \* OF BALTIMORE COUNTY  
Legal Owner(s): Stanley E. Lloyd \* CASE NO. 97-395-A  
Lessee: Philadelphia Road CVS, Inc. Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

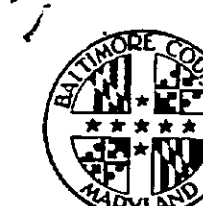
PETER MAX ZIMMERMAN  
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

CAROLE S. DEMILLO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of May, 1997, a copy of the foregoing Entry of Appearance was mailed to Anthony J. DiPaula, Esq., Covahey & Booser, 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

PETER MAX ZIMMERMAN  
PETER MAX ZIMMERMAN



Petition for Variance  
to the Zoning Commissioner of Baltimore County  
for the property located at 9519 Philadelphia Road which is presently zoned RL

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

PLEASE SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) With the governmental takings that have occurred, the site has become so reduced in size that variances are necessary. The topography of the land makes the variances also necessary. Other reasons to be assigned at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

LEGAL OWNER(S): Philadelphia Road CVS, Inc. (Type or Print Name)		LEGAL OWNER(S): Stanley E. Lloyd (Type or Print Name)	
By: William H. Knott, Esq. One CVS Drive Address: Woonsocket R.I. 02895 City: State: Zipcode:		Signature: [Signature] (Type or Print Name):	
Attorney for Petitioner: Anthony J. DiPaula (Type or Print Name) Covahey & Booser, P.A. Signature: [Signature]		Address: 2630 Greene Road 557-7000 City: Baltimore, MD 21013 Name, Address and phone number of tag: - view, correct purchase or representative to be contacted:	
614 Bosley Avenue 828-9441 Address: Towson, MD 21204 City: State: Zipcode:		Name: William H. Knott Address: 15 W. Aylesbury Road 308-0050 City: Timonium MD 21093 Phone No:	

ESTIMATED LENGTH OF HEARING: 2-3 hr  
The hearing date: 3/17/97  
ALL OTHER: [X] OTHER: [ ]  
REVIEWED BY: [Signature] DATE: 3/17/97

\* please call attorney  
before setting

cial zone with a 6.6 ft. wide planting strip in lieu of the required 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.4 of the BCZR to allow parking spaces in a surface parking facility for a non residential use that are 5 ft. from a right of way line in lieu of the required 10 ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES:mmm

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County



Baltimore County  
Zoning Commissioner  
Office of Planning

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386

August 1, 1997

Anthony J. DiPaula, Esquire  
Covahay & Booser, P.A.  
614 Bosley Avenue  
Towson, Maryland 21204

RE: Petition for Variance  
Case No. 97-395-A  
Location: 9515 Philadelphia Road  
CVS Pharmacy, Inc.

Dear Mr. DiPaula:

This is in response to your letter of July 22, 1997 regarding the above matter. I have reviewed your letter, the Findings of Fact and Conclusions of Law and Order issued by me in the above case on July 18, 1997 and the site plan, and related exhibits which were submitted in this case. The introductory portion of my opinion, wherein the requested variances are identified is, indeed, erroneous. As clearly set out on the amended Petition and site plan and elsewhere within the opinion, 38 parking spaces are to be provided in lieu of the required 51. As I indicated on page 3, the amended plan was offered to address certain concerns from the Office of Planning; to wit, to increase the landscape buffer and downsize the proposed parking lot. Thus, the opinion and Order should reflect that a variance to permit 38 spaces in lieu of the required 51 is granted.

Under the circumstances, I am attaching a copy of this letter to the original case file so as to reflect the necessary correction. I trust that you will be able to use this letter to secure the necessary permits and to move forward. I apologize if this error has caused any undue delay.

Please do not hesitate to contact me should you need further clarification regarding this matter.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmm

Printed with Soy-based Ink  
on Recycled Paper



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

May 7, 1992

Anthony J. DiPaula, Esquire  
COVAHEY & BOOSER, P.A.  
614 Bosley Avenue  
Towson, MD 21204

RE: Case No. 91-498-XA  
Amoco Oil Company

Dear Mr. DiPaula:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer  
Administrative Assistant

encl.

cc: Charles T. Bogdanowicz /Amoco Oil Company

Mr. Stanley Lloyd  
Mr. Thomas J. Hoff  
Mr. Nicholas Comodari  
Mr. L. Rodney Compton  
Ms. Gloria J. Turner  
Mr. & Mrs. Lawrence Clow  
Ms. Jan Walter  
Mr. Hunter E. Bush  
Ms. Marie Simoes  
Mr. Ed Kormanis  
Mr. Chad Kormanis  
People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, Director of Zoning Admin.

PETITIONER'S  
EXHIBIT No. 5

IN THE MATTER OF THE  
THE APPLICATION OF  
AMOCO OIL COMPANY  
FOR A SPECIAL EXCEPTION AND  
VARIANCES ON PROPERTY LOCATED  
ON THE SOUTHEAST CORNER  
PHILADELPHIA Rd AND MIDDLE  
RIVER RD (9519 PHILADELPHIA RD)  
15TH ELECTION DISTRICT  
5TH COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 91-498-XA

#### OPINION

This case comes before this Board on appeal from a decision of the Zoning Commissioner denying the requested special exception and thereby rendering the variance requests moot. The case was heard this day in its entirety.

The site is a parcel containing 1.05 acres of land, the bulk of which is zoned B.L.-C.N.S., with a small B.L. strip along one property line. The site is presently improved with a large frame abandoned building that was formerly a restaurant/tavern. The proposal before the Board is to raze this building and construct a gas-and-go service station by the Amoco Oil Company with a convenience store and a self-service carwash. The County Review Group (CRG) has approved this use contingent upon the Petitioner acquiring the necessary special exception.

Testifying for the Petitioner was Charles Bogdanowicz, the Amoco Oil Company project manager and engineer. He testified to the use of the site as proposed and evidenced on Petitioner's Exhibit No. 1 and Petitioner's Exhibit No. 2, which is a duplicate of Petitioner's Exhibit No. 1 color-coded for clarity. In addition to testifying at length to the plan, he specifically noted that at present there are no curbs or gutters on-site and that this plan provides curbing, gutters and sidewalks on both Middle River Road and Route 7. He further testified that no food would be prepared

Case No. 91-498-XA Amoco Oil Company

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or consumed on the site but that the convenience store was strictly that --a convenience store. He further testified that the carwash is a two-minute operation strictly self-service and that the plan provides stacking for 20 automobiles availing themselves of the self-service carwash. He further noted that the entire operation was a 24-hour-a-day, 7-day-a-week operation with an attendant on-site at all times. He further testified that the variance requested for the 200.3 square foot sign was a standard Amoco sign and that it needed this much area to be in conformity with the pricing requirements under State regulations.

Thomas Hoff, a landscape expert, did a feasibility study on this site and prepared both plans, Plan 1 and Plan 2. He noted that in the extreme there was room for 52 cars on the site and still provide two-way access. This plan provides for road widening, curbs, gutters, sidewalks and entrances on both Middle River Road and Route 7 that conform to State regulations. He further testified that all the requirements of Section 502.1 of the Baltimore County Zoning Regulations (BCZR) had been complied with, that water and sewer was available to the site, and that the lighting and landscaping as proposed complied with County regulations. He further noted that the zoning manual on gas stations requires that a 6-foot ornamental board-on-board fence be erected on the property line to screen adjacent areas.

L. Rodney Compton, a real estate developer for Amoco Oil, testified that he had studied this site and that it met all the requirements necessary to develop this site. He particularly noted that there were no service stations on Route 7 from Golden Ring Road to the Harford County line, a distance of more than 10 miles.

Case No. 91-498-XA Amoco Oil Company

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On cross-examination, he also admitted that on Route 40, which parallels Route 7 less than 1/2 mile away, there were many service stations.

People's Counsel presented Dennis Wirtz, a senior planner for Baltimore County, who testified in opposition to the use of this site as a gas-and-go. It was his opinion that there were other uses under the B.L. zoning that would not impact upon the residential homes in the area to the extent that the proposed service station would.

Lawrence Clow, the property owner to the south of the site, testified in opposition to its use as a service station. It was his opinion that this station was out of character with the neighborhood, that there were ample stations provided along Route 40, and that there was no need for any more gas stations.

Gloria Turner, the president of the Nottingham Improvement Association, testified that traffic was already a problem at this site and that the Association feared the run-off effects of storm water from the site. On cross-examination, she admitted that the Nottingham Improvement Association did not oppose the large shopping center directly across the street.

Hunter E. Bush and Thomas Cagle both testified in opposition to the proposal and the fear that additional problems would be created by its use.

The Board will note that directly opposite the site on Middle River Road there is already commercial use, a 7-11 store. Directly across Route 7 there is a large shopping center. To the west of the site there are two residences and then a large warehousing operation. While there are two houses to the west of the site, one

Case No. 91-498-XA Amoco Oil Company

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to the east of the site, and a housing development diagonally across Route 7, this intersection can certainly be considered a mixed-use intersection. The Board will note that when the property was used as a restaurant/tavern there were many complaints about the patrons' behavior, noise, debris, and the parking problems. None of these problems would be apparent in the proposed use. The Board will also note that, while there is a plethora of service stations along Route 40, there are absolutely none along Route 7. This indicates that not only commuters using Route 7 but residents using Route 7 must detour to Route 40 to obtain the services they require. From the testimony and evidence, the Board can see no detriment to the health, safety and welfare of the neighborhood by the proposed use. The Board will further note that the intersection of Middle River Road and Route 7 is already a signalized intersection. From the testimony and evidence, the Board will find as a fact that all the requirements of Section 502.1 of the BCZR have been met, and that Sections 230.13 and 405 have also been complied with. It is therefore the opinion of this Board that the proposed service station complies with all Baltimore County regulations and the petition to grant same is approved. In conjunction with the granting of the special exception for the gas-and-go service station, the variances requested in order to obtain a conformity to Petitioner's Exhibit No. 1 will also be granted.

#### ORDER

IT IS THEREFORE this 7th day of May, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the special exception to permit an automotive service station gas-and-go in the B.L.-C.N.S. zone be and the same

Case No. 91-498-XA Amoco Oil Company

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is GRANTED; and it is further

ORDERED that a food store with less than 5,000 square feet and a carwash as uses in conjunction with the service station be and the same are GRANTED; and it is further ordered

ORDERED that the portion of the property zoned B.L. be permitted use for parking use in conjunction with the carwash; and it is further

ORDERED that the board-on-board fence and screening as proposed on Petitioner's Exhibit No. 2 be and the same is GRANTED and must be in full compliance with all Baltimore County zoning regulations regarding fencing and screening; and it is further

ORDERED that the standard Amoco sign be and the same is GRANTED as depicted on Petitioner's Exhibit No. 1 in compliance with all Baltimore County setback regulations.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett, Chairman

S. Diane Levey

Michael B. Sauer



Lawrence W. Clow \* In the  
People's Counsel \* Circuit Court  
Appellants \* for  
v. \* Baltimore County  
Amoco Oil Company \* Case No. 92 CV 5341  
Appellee \*

**OPINION AND ORDER**

This case is before this Court on appeals by both Lawrence W. Clow and the People's Counsel of the decision of the County Board of Appeals, which reversed the decision of the Zoning Commissioner. Petitioner Amoco Oil, petitioned for special exceptions for an automotive service station, which included a convenience store and self service car wash, in a commercial zone located at the southeast corner of Philadelphia and Middle River Roads in Baltimore County, Maryland. Petitioner also sought two (2) variances: one for additional footage for its sign, and one for relief from the requirement of a ten (10) foot wide planting strip on the rear of the property line abutting a residential zone. The Zoning Commissioner denied the requested special exceptions, which rendered the variance requests moot.

Amoco Oil appealed this decision to the County Board of Appeals, which heard the case de novo. After hearing all the testimony, the Board rendered its opinion and order, which reversed the decision of the Zoning Commissioner, in that it:

- 1) Granted the special exceptions to allow the service station with the accompanying convenience store and car wash; and
  - 2) Granted the variances for the planting strip and sign.
- Lawrence Clow and the People's Counsel appealed the Board's decision to this Court. This Court must now decide:

- 1) Whether the County Board of Appeals erred in failing to make proper findings;
- 2) Whether the County Board of Appeals erred in failing to consider the Master Plan?
- 3) Whether the County Board of Appeals' decision was arbitrary and capricious in that it was not supported by the evidence?
- 4) Whether the County Board of Appeals erred in failing to follow regulatory requirements to determine reasonable public need?
- 5) Whether the County Board of Appeals' decision was based on an error of law in construing the standard for the granting of the special exceptions?
- 6) Whether the County Board of Appeals erred in failing to apply the legal requirements to qualify for a variance?

As to issue number one, the Board stated, "From the testimony and evidence, the Board will find as a fact that all the requirements of Section 502.1 of the BCZR have been met, and that Sections 230.13 and 405 have also been complied with." This meant that the Board found that each and every part of §§ 502.1, 230.13 and 405 of the Baltimore County Zoning Regulations have been met. This statement by

the Board satisfies this Court that in all aspects, the Board met its obligation in addressing the issues as to the special exception requested.

As to the second issue, the Board did not err in failing to consider the Master Plan. As both the People's Counsel and Amoco Oil point out, the Master Plan is not mandatory, but instead is only advisory. People's Counsel v. Webster, 65 Md. App. 694, 701-3 (1986). Furthermore, when the board took the Master Plan under advisement, it was not required to specifically discuss it in its opinion; instead, it was just one of many factors for the board to consider and weigh in making its decision.

The next argument that the appellants make is that the Board's decision was not supported by the evidence. This is incorrect. L. Rodney Compton, testifying for Amoco Oil, stated that there were no service stations on Route 7 from Golden Ring Road to the Harford County Line, a distance of over ten (10) miles. Furthermore, Dennis Wirtz, a senior planner from the Baltimore County Planning Office stated on cross examination that there were no service stations within the corridor study area, which encompassed approximately four and a half (4.5) miles of Philadelphia Road.

In addition to being substantial evidence from which the Board could grant the special exceptions, this was also evidence of reasonable public need, because there were no service stations on Philadelphia Road for this ten (10) mile span, and thus, both commuters and residents had to detour to Pulaski Highway to obtain the very automobile services that petitioner is proposing to offer. Furthermore, Mr. Compton testified that over 30,000 cars passed by

the proposed site daily. Thus, the area is heavily travelled and automotive services are likely to be needed by the public in this immediate area.

As to appellants' arguments that the Board's decision was based on an error because it compared the past use of the property to the proposed future use, this is over exaggerated. The Board did not in any great length compare these two uses. Instead, the Board simply noted that as a tavern, there were complaints about the patrons' behavior and noise, debris, and parking problems that would not be present if the property was used for the proposed service station. This was not meant as the Board's basis for its decision, but instead was a side comment.

As to the last issue concerning the variances, the Board states in its opinion upon review of the evidence before it, that Charles Bogdanowicz, Amoco Oil's project manager and engineer, testified that "the variance requested for the 200.3 square foot sign was a standard Amoco sign and that it needed this much area to be in conformity with the pricing requirements under State regulations." Opinion, p.2.

The Board further states in its opinion that Thomas Hoff, a landscape expert who did a feasibility study of the site, testified that "the zoning manual on gas stations requires that a six (6) foot ornamental Board-on-Board fence be erected on the property line to screen adjacent areas." Opinion, p.2.

The board then concludes, "In conjunction with the granting of the special exceptions for the gas and go service station, the variances required in order to obtain a conformity to Petitioner's Exhibit No. 1 will also be granted." However, the Board failed to

make any findings of fact of any sort as relating to the requested variances. Then at the end of the findings as to the special exceptions, the Board just tacks it on as if the granting of one means the granting of all. This is an error on behalf of the Board that must be corrected.

Thus, this case will be affirmed as to the County Board of Appeals' decision on the special exceptions, and reversed and remanded on the variance issues, in order that the Board can make specific findings of fact to support its conclusion.

**ORDER**

It is this 12<sup>th</sup> day of April, 1993, hereby ORDERED that the decision of the County Board of Appeals be AFFIRMED as to the special exception and REVERSED and REMANDED as to the variance request, for findings consistent with this opinion.

*Alfred L. Brennan, Sr.*  
Alfred L. Brennan, Sr.

cc: Anthony DiPaula  
Michael Tanczyn  
Peter Zimmerman



County Board of Appeals of Baltimore County  
OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

July 22, 1993

Anthony J. DiPaula, Esquire  
COVAHEY & BOOZER, P.A.  
614 Bosley Avenue  
Towson, MD 21204

RE: Case No. 91-498-XA  
Circuit Court Case No. 92-CV-5341  
Amoco Oil Company

Dear Mr. DiPaula:

Enclosed please find a copy of the Supplemental Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter, pursuant to the Remand Order of the Circuit Court.

Sincerely,  
*Kathleen C. Weidenhammer*  
Kathleen C. Weidenhammer  
Administrative Assistant

encl

cc: Charles T. Bogdanowicz  
Michael P. Tanczyn, Esquire  
Lawrence W. Clow  
Stanley Lloyd  
Thomas J. Hoff  
Nicholas Commodari  
L. Rodney Compton  
Gloria J. Turner  
Jan Walter  
Hunter E. Bush  
Marie Simoes  
Ed Kormanis  
Chad Kormanis  
P. David Fields  
People's Counsel for Baltimore County

Honorable Alfred L. Brennan, Sr.  
Copy / Circuit Ct File 92-CV-5341  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

IN THE MATTER OF THE APPLICATION \* ON REMAND FROM THE  
OF AMOCO OIL COMPANY FOR A \* CIRCUIT COURT  
SPECIAL EXCEPTION AND VARIANCE \*  
ON PROPERTY LOCATED ON THE \*  
SOUTHEAST CORNER OF PHILADELPHIA \*  
ROAD AND MIDDLE RIVER ROAD \* FOR  
(9519 PHILADELPHIA ROAD) \* BALTIMORE COUNTY  
15TH ELECTION DISTRICT \* CG Doc. No. 24  
5TH COUNCILMANIC DISTRICT \*  
LAWRENCE W. CLOW, PLAINTIFF \* Folio No. 252  
\* File No. 92-CV-5341

ZONING CASE NO. 91-498-XA  
SUPPLEMENTAL OPINION PURSUANT TO REMAND ORDER  
OF THE CIRCUIT COURT DATED APRIL 12, 1993

This case comes before this Board on a Remand Order from the Circuit Court for Baltimore County specifically designating that the Board's Opinion and Order address the variances associated with this case.

The first variance seeks relief in the area of the sign which contains 200.3 sq. ft. in lieu of three separate signs of 100 sq. ft. as permitted. Testimony from Charles Bogdanowicz was to the effect that the sign as requested is a standard Amoco sign in use in all their modern gas-and-go stations. He further testified that the State requires that all their gasoline product pricing be displayed on the sign. The Board is therefore of the opinion that to require anything other than the standard sign in use in all their stations would be an unreasonable hardship, and therefore the variance to permit this sign properly installed with proper setbacks should be granted.

The second variance concerns the requirement that a 10-foot setback be provided between the fence and the internal area of the property. Zoning regulations require that a 6-foot board-on-board fence be installed on the property line to screen the station from

Case No. 91-498-XA / 92-CV-5341 Amoco Oil Company / On Remand 2  
the abutting properties. Testimony from Thomas Hoff, a landscape expert, was to the effect that if this variance was denied traffic flow would be impeded. He further stated that the proposed plantings testified to in this case were in excess of those required under Baltimore County regulations. From this testimony, the Board is convinced that the 10-foot setback be reduced to 5 feet on the western property line and reduced to 6 feet abutting the proposed carwash, and therefore this variance should be granted, and will so order. Accordingly, the Opinion and Order of the Board dated May 7, 1992 is supplemented as follows.

**ORDER**

ACCORDINGLY, IT IS this 22<sup>nd</sup> day of July, 1993 by the County Board of Appeals of Baltimore County ORDERED that the Opinion and Order of the Board dated May 7, 1992 be and is hereby SUPPLEMENTED as follows; and it is

THEREFORE ORDERED that the requested variance for a sign which contains 200.3 sq. ft. in lieu of three separate signs of 100 sq. ft. as permitted be and is hereby GRANTED; and it is further ORDERED that the requested variances for a 5-foot setback on the western property line and a 6-foot setback abutting the proposed carwash, as shown on Petitioner's Exhibit 2, be and are hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

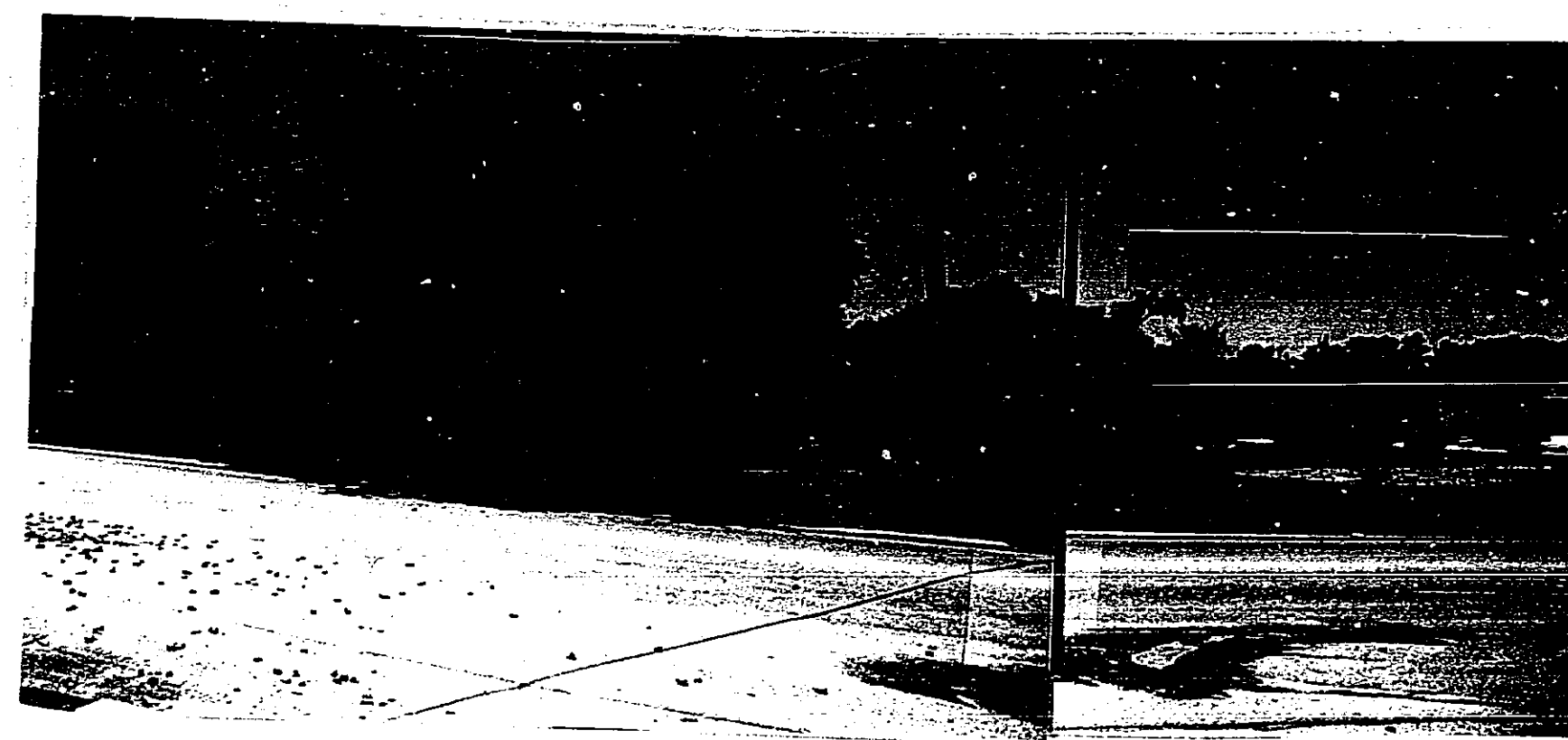
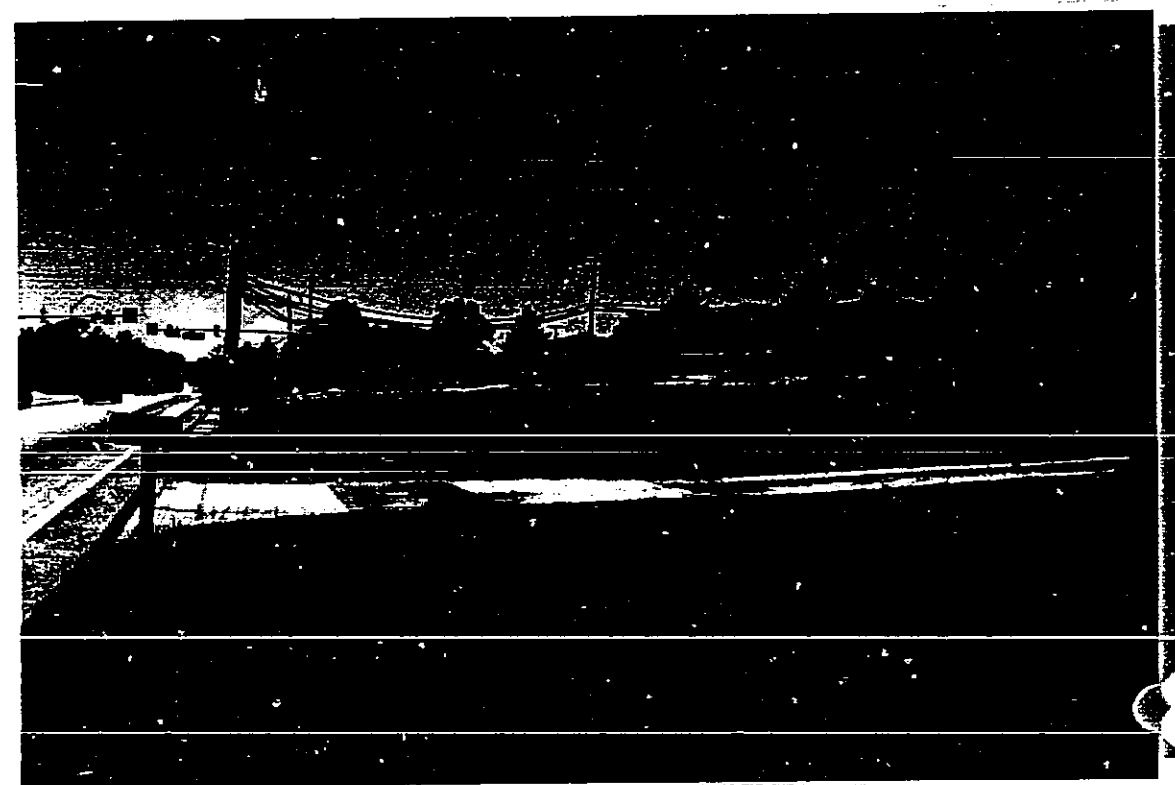
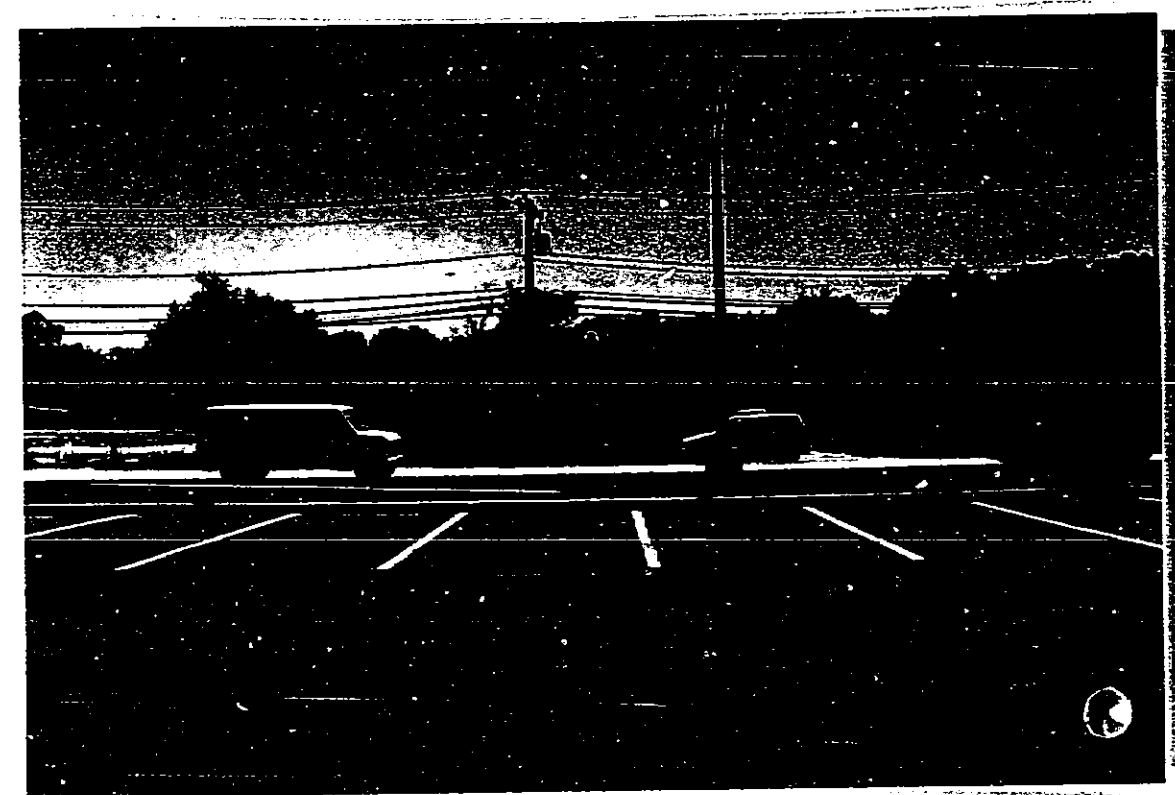
*William T. Hackett*  
William T. Hackett, Chairman

*S. Diane Levero*  
S. Diane Levero

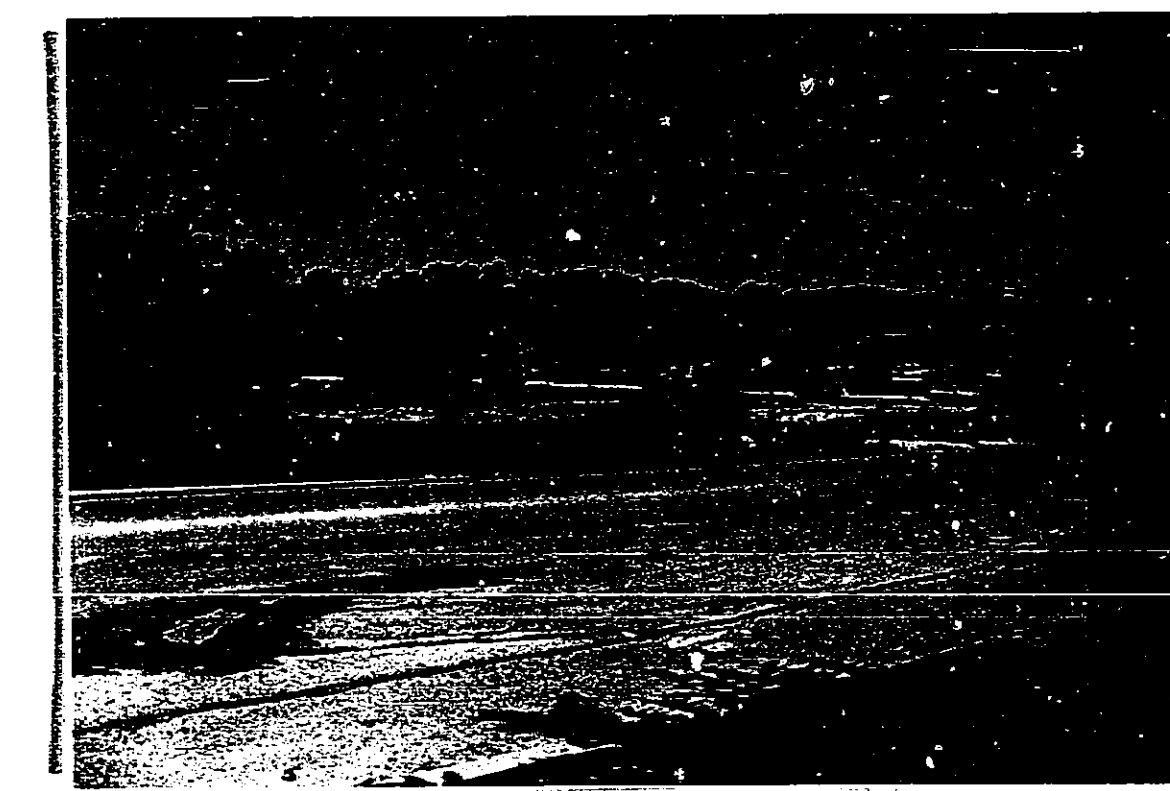
*Michael B. Sauer*  
Michael B. Sauer







Station No. 9





# ATTACHMENT TO PETITION FOR VARIANCE - 9515 PHILADELPHIA ROAD

- 409.6A2 to allow a drug store with 48 parking spaces in lieu of the required 50 spaces.
- 409.8A1 and §IXC.2b(3) of the Landscape Manual to allow a commercial use without a 10' wide planting strip along the rear property line abutting a residential zone; and without a 10' wide planting strip along the side property line abutting a residential use in a commercial zone.
- 413.2.F. to allow 1 other business sign of 95.2 square feet per side (190.4 square feet total) in lieu of 3 signs with a total area of 100 square feet as permitted.

3' ds. 51



## Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 9515 Philadelphia Road

This Petition shall be filed with the Department of Permits & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

PLEASE SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) With the governmental takings that have occurred, the site has become so reduced in size that variances are necessary. The topography of the land makes the variances also necessary. Other reasons to be assigned at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Owner/Developer Name:

Philadelphia Road-CVS, Inc.

By: *William H. Scott*  
Signature: *William H. Scott*, Auth. Rep.  
One CVS Drive

Address: Woonsocket R.I. 02895

Agent for Petitioner: Anthony J. DiPaula

Address: 2630 Greene Road 557-7000  
Baldwin, MD 21013

614 Bosley Avenue 828-9441  
Towson MD 21204

Printed with Soybean Ink  
Revised 9/5/95

Who do solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Signature: *Stanley E. Lloyd*

Signature: *Stanley E. Lloyd*

Signature: *Stanley E. Lloyd*

Signature: *Stanley E. Lloyd*

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Signature: *Stanley E. Lloyd*

# ATTACHMENT TO PETITION FOR VARIANCE - 9515 PHILADELPHIA ROAD

- 409.6A2 to allow a drug store with 38 parking spaces in lieu of the required 51 spaces.
- 409.8A1 and §IXC.2b(3) of the Landscape Manual to allow a commercial use with a planting strip along the rear property line abutting a residential zone with a variable width of 7.2' to 10.8' in lieu of the required 10'; and a side property line abutting a residential use in a commercial zone with a 6.6 wide planting strip in lieu of the required 10'.
- 409.8A4 to allow parking spaces in a surface parking facility for a non-residential use that are 5' from the right of way line in lieu of the required 10'.

5' ds. 3

THOMAS J. HOYT, INC.  
Landscape Architect and Land Development Consultant  
1717 YORK ROAD, SUITE 18  
LUTHERVILLE, MD. 21093  
410-628-9225  
FAX 410-628-9229

97-395-A

March 13, 1997

## Description of 9519 PHILADELPHIA RD, to Accompany Petition for Zoning Variances

BEGINNING FOR THE SAME at a point on the south side of Philadelphia Road (Maryland State Route 7, 80' R/W) at the southwest corner of the intersection of Philadelphia Road and Middle River Road, said point having the coordinate values of N 21,141.65, E 43,859.84.

Thence binding on the south side of said Philadelphia Road,  
(1) South 48 degrees 38 minutes 00 seconds West 164.31 feet;

thence leaving the south side of Philadelphia Road,  
(2) South 40 degrees 49' minutes 50 seconds East 193.76 feet;

(3) North 47 degrees 29 minutes 25 seconds East 195.30 feet;

to the west side of Middle River Road, thence binding on the west side of Middle River Road,  
(4) North 42 degrees 36 minutes 58 seconds West 164.90 feet;

(5) North 86 degrees 59 minutes 29 seconds West 35.74 feet; to the point of beginning containing 0.84 acres of land more or less.

Note:  
This Description has been prepared for zoning purposes only.

*[Signature]*

## CERTIFICATE OF PUBLICATION

TOWSON, MD., April 10, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 10, 1997.

THE JEFFERSONIAN,

A. Henrickson  
LEGAL AD. - TOWSON

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, for the purpose of the Zoning Ordinance and Regulations of Baltimore County, will hold a public hearing in 2000 and 2001 on the property described herein as follows:  
Case #7-395-A  
9519 Philadelphia Road  
corner 555 Philadelphia Road  
TOWSON, BALTIMORE COUNTY, MD.  
The hearing will be held on the following dates:  
Legal Owner(s):  
Philadelphia Road CVS, Inc.  
Address: 9519 Philadelphia Road  
TOWSON, MD. 21204  
Agent for Petitioner:  
Anthony J. DiPaula  
Address: 2630 Greene Road  
Baldwin, MD 21013  
614 Bosley Avenue  
Towson, MD 21204  
Hearing: Wednesday, May 7, 1997 at 8:00 a.m., 4th floor hearing room, County Hall, 401 Bayley Avenue.  
LAWRENCE L. COPELAND  
Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are held on Wednesdays, 8:00 a.m. to 5:00 p.m. (2) For information concerning the hearing, please call (410) 887-3333. (3) For information concerning the hearing, please call (410) 887-3333.  
4/10/97 10 01/00/97

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/5, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/5, 1997.

THE JEFFERSONIAN,

A. Henrickson  
LEGAL AD. - TOWSON

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, for the purpose of the Zoning Ordinance and Regulations of Baltimore County, will hold a public hearing in 2000 and 2001 on the property described herein as follows:  
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6/5/97 10 01/00/97

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FIN. & REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 026683

DATE: 5/14/97 ACCOUNT: 01-615

By: *John K.*

Amount: \$ 100.00

RECEIVED: *F. Vernon Bazzler* - 9519 Philadelphia Rd.

FOR: *1104-RUGGLES, Cona Varine-Sk. Men - \$100.00*

1104-RUGGLES, Cona Varine-Sk. Men - \$100.00

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Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

## ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 395

Petitioner: Philadelphia Road CVS, Inc.

Location: 9519 Philadelphia Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Anthony J. DiPaula

ADDRESS: 614 Bosley Ave.

Towson, Md 21204

PHONE NUMBER: 828-9444

AJ:ggg

(Revised 09/24/96)

cial zone with a 6.6 ft. wide planting strip in lieu of the required 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.4 of the BCZR to allow parking spaces in a surface parking facility for a non residential use that are 5 ft. from a right of way line in lieu of the required 10 ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES:mmm

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County



Baltimore County  
Zoning Commissioner  
Office of Planning

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386

August 1, 1997

Anthony J. DiPaula, Esquire  
Covahay & Booser, P.A.  
614 Bosley Avenue  
Towson, Maryland 21204

RE: Petition for Variance  
Case No. 97-395-A  
Location: 9515 Philadelphia Road  
CVS Pharmacy, Inc.

Dear Mr. DiPaula:

This is in response to your letter of July 22, 1997 regarding the above matter. I have reviewed your letter, the Findings of Fact and Conclusions of Law and Order issued by me in the above case on July 18, 1997 and the site plan, and related exhibits which were submitted in this case. The introductory portion of my opinion, wherein the requested variances are identified is, indeed, erroneous. As clearly set out on the amended Petition and site plan and elsewhere within the opinion, 38 parking spaces are to be provided in lieu of the required 51. As I indicated on page 3, the amended plan was offered to address certain concerns from the Office of Planning; to wit, to increase the landscape buffer and downsize the proposed parking lot. Thus, the opinion and Order should reflect that a variance to permit 38 spaces in lieu of the required 51 is granted.

Under the circumstances, I am attaching a copy of this letter to the original case file so as to reflect the necessary correction. I trust that you will be able to use this letter to secure the necessary permits and to move forward. I apologize if this error has caused any undue delay.

Please do not hesitate to contact me should you need further clarification regarding this matter.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmm

Printed with Soy-based Ink  
on Recycled Paper



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

May 7, 1992

Anthony J. DiPaula, Esquire  
COVAHEY & BOOSER, P.A.  
614 Bosley Avenue  
Towson, MD 21204

RE: Case No. 91-498-XA  
Amoco Oil Company

Dear Mr. DiPaula:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer  
Administrative Assistant

encl.

cc: Charles T. Bogdanowicz /Amoco Oil Company

Mr. Stanley Lloyd  
Mr. Thomas J. Hoff  
Mr. Nicholas Comodari  
Mr. L. Rodney Compton  
Ms. Gloria J. Turner  
Mr. & Mrs. Lawrence Clow  
Ms. Jan Walter  
Mr. Hunter E. Bush  
Ms. Marie Simoes  
Mr. Ed Kormanis  
Mr. Chad Kormanis  
People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, Director of Zoning Admin.

PETITIONER'S  
EXHIBIT No. 5

IN THE MATTER OF THE  
THE APPLICATION OF  
AMOCO OIL COMPANY  
FOR A SPECIAL EXCEPTION AND  
VARIANCES ON PROPERTY LOCATED  
ON THE SOUTHEAST CORNER  
PHILADELPHIA Rd AND MIDDLE  
RIVER RD (9519 PHILADELPHIA RD)  
15TH ELECTION DISTRICT  
5TH COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 91-498-XA

#### OPINION

This case comes before this Board on appeal from a decision of the Zoning Commissioner denying the requested special exception and thereby rendering the variance requests moot. The case was heard this day in its entirety.

The site is a parcel containing 1.05 acres of land, the bulk of which is zoned B.L.-C.N.S., with a small B.L. strip along one property line. The site is presently improved with a large frame abandoned building that was formerly a restaurant/tavern. The proposal before the Board is to raze this building and construct a gas-and-go service station by the Amoco Oil Company with a convenience store and a self-service carwash. The County Review Group (CRG) has approved this use contingent upon the Petitioner acquiring the necessary special exception.

Testifying for the Petitioner was Charles Bogdanowicz, the Amoco Oil Company project manager and engineer. He testified to the use of the site as proposed and evidenced on Petitioner's Exhibit No. 1 and Petitioner's Exhibit No. 2, which is a duplicate of Petitioner's Exhibit No. 1 color-coded for clarity. In addition to testifying at length to the plan, he specifically noted that at present there are no curbs or gutters on-site and that this plan provides curbing, gutters and sidewalks on both Middle River Road and Route 7. He further testified that no food would be prepared

Case No. 91-498-XA Amoco Oil Company

2  
or consumed on the site but that the convenience store was strictly that --a convenience store. He further testified that the carwash is a two-minute operation strictly self-service and that the plan provides stacking for 20 automobiles availing themselves of the self-service carwash. He further noted that the entire operation was a 24-hour-a-day, 7-day-a-week operation with an attendant on-site at all times. He further testified that the variance requested for the 200.3 square foot sign was a standard Amoco sign and that it needed this much area to be in conformity with the pricing requirements under State regulations.

Thomas Hoff, a landscape expert, did a feasibility study on this site and prepared both plans, Plan 1 and Plan 2. He noted that in the extreme there was room for 52 cars on the site and still provide two-way access. This plan provides for road widening, curbs, gutters, sidewalks and entrances on both Middle River Road and Route 7 that conform to State regulations. He further testified that all the requirements of Section 502.1 of the Baltimore County Zoning Regulations (BCZR) had been complied with, that water and sewer was available to the site, and that the lighting and landscaping as proposed complied with County regulations. He further noted that the zoning manual on gas stations requires that a 6-foot ornamental board-on-board fence be erected on the property line to screen adjacent areas.

L. Rodney Compton, a real estate developer for Amoco Oil, testified that he had studied this site and that it met all the requirements necessary to develop this site. He particularly noted that there were no service stations on Route 7 from Golden Ring Road to the Harford County line, a distance of more than 10 miles.

Case No. 91-498-XA Amoco Oil Company

3  
On cross-examination, he also admitted that on Route 40, which parallels Route 7 less than 1/2 mile away, there were many service stations.

People's Counsel presented Dennis Wirtz, a senior planner for Baltimore County, who testified in opposition to the use of this site as a gas-and-go. It was his opinion that there were other uses under the B.L. zoning that would not impact upon the residential homes in the area to the extent that the proposed service station would.

Lawrence Clow, the property owner to the south of the site, testified in opposition to its use as a service station. It was his opinion that this station was out of character with the neighborhood, that there were ample stations provided along Route 40, and that there was no need for any more gas stations.

Gloria Turner, the president of the Nottingham Improvement Association, testified that traffic was already a problem at this site and that the Association feared the run-off effects of storm water from the site. On cross-examination, she admitted that the Nottingham Improvement Association did not oppose the large shopping center directly across the street.

Hunter E. Bush and Thomas Cagle both testified in opposition to the proposal and the fear that additional problems would be created by its use.

The Board will note that directly opposite the site on Middle River Road there is already commercial use, a 7-11 store. Directly across Route 7 there is a large shopping center. To the west of the site there are two residences and then a large warehousing operation. While there are two houses to the west of the site, one

Case No. 91-498-XA Amoco Oil Company

4  
to the east of the site, and a housing development diagonally across Route 7, this intersection can certainly be considered a mixed-use intersection. The Board will note that when the property was used as a restaurant/tavern there were many complaints about the patrons' behavior, noise, debris, and the parking problems. None of these problems would be apparent in the proposed use. The Board will also note that, while there is a plethora of service stations along Route 40, there are absolutely none along Route 7. This indicates that not only commuters using Route 7 but residents using Route 7 must detour to Route 40 to obtain the services they require. From the testimony and evidence, the Board can see no detriment to the health, safety and welfare of the neighborhood by the proposed use. The Board will further note that the intersection of Middle River Road and Route 7 is already a signalized intersection. From the testimony and evidence, the Board will find as a fact that all the requirements of Section 502.1 of the BCZR have been met, and that Sections 230.13 and 405 have also been complied with. It is therefore the opinion of this Board that the proposed service station complies with all Baltimore County regulations and the petition to grant same is approved. In conjunction with the granting of the special exception for the gas-and-go service station, the variances requested in order to obtain a conformity to Petitioner's Exhibit No. 1 will also be granted.

#### ORDER

IT IS THEREFORE this 7th day of May, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the special exception to permit an automotive service station gas-and-go in the B.L.-C.N.S. zone be and the same

Case No. 91-498-XA Amoco Oil Company

5  
is GRANTED; and it is further

ORDERED that a food store with less than 5,000 square feet and a carwash as uses in conjunction with the service station be and the same are GRANTED; and it is further ordered

ORDERED that the portion of the property zoned B.L. be permitted use for parking use in conjunction with the carwash; and it is further

ORDERED that the board-on-board fence and screening as proposed on Petitioner's Exhibit No. 2 be and the same is GRANTED and must be in full compliance with all Baltimore County zoning regulations regarding fencing and screening; and it is further

ORDERED that the standard Amoco sign be and the same is GRANTED as depicted on Petitioner's Exhibit No. 1 in compliance with all Baltimore County setback regulations.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett, Chairman

S. Diane Levey

Michael B. Sauer



# CERTIFICATE OF POSTING

RE: Case No.: 97-395-A  
 Petitioner/Developer: STANLEY E. LLOYD & ANTHONY DIPOLA  
 1/6 PHILADELPHIA ROAD CVS, INC.  
 Date of Hearing/Closing: 5/7/97

Baltimore County Department of Permits and Development Management  
 County Office Building, Room 111  
 111 West Chesapeake Avenue  
 Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #9519 PHILADELPHIA ROAD

The sign(s) were posted on 4/12/97  
 (Month, Day, Year)

Sincerely,

*Patrick M. O'Keefe, SR. 4/15/97*  
 (Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366 Page (410) 646-8354

(Telephone Number)

Request for Zoning (Variance, Special Exception, or Special Hearing)

Date to be Posted: Anytime before but no later than

Format for Sign Printing: Black Letters on White Background

## ZONING NOTICE

Case No.:

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE:

DATE AND TIME:

REQUEST: to permit 48 parking spaces in lieu of 50; to permit a commercial use without a 10' wide planting strip along the rear + side property lines abutting a residential zone; and to permit 1 other business sign of 190 sq ft in lieu of 3 signs of 100 sq ft.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

996  
 post 4.00

TO: PUTNEY PUBLISHING COMPANY  
 April 10, 1997 Issue - Jeffersonian

Please forward billing to:

Anthony J. DiPaola, Esq.  
 Coveley & Booser, P.A.  
 614 Bosley Avenue  
 Towson, MD 21204  
 828-9441

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-395-A

9519 Philadelphia Road  
 corner S/S Philadelphia Road, SW/S Middle River Road  
 15th Election District - 5th Councilmanic  
 Legal Owner(s): Stanley E. Lloyd  
 Lessee: Philadelphia Road CVS, Inc.

Variance to allow a drug store with 48 parking spaces in lieu of the required 50 spaces; to allow a commercial use without a 10 foot wide planting strip along the rear property line abutting a residential zone and without a 10 foot wide planting strip along the side property line abutting a residential use in a commercial zone; and to allow 1 other business sign of 95.2 square feet per side (190.4 square feet total) in lieu of 3 signs with a total area of 100 square feet as permitted.

HEARING: WEDNESDAY, MAY 7, 1997 at 9:00 a.m., 4th floor hearing room, Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT  
 ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
 (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
 Department of Permits and  
 Development Management

Development Processing  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

April 7, 1997

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-395-A

9519 Philadelphia Road  
 corner S/S Philadelphia Road, SW/S Middle River Road  
 15th Election District - 5th Councilmanic  
 Legal Owner(s): Stanley E. Lloyd  
 Lessee: Philadelphia Road CVS, Inc.

Variance to allow a drug store with 48 parking spaces in lieu of the required 50 spaces; to allow a commercial use without a 10 foot wide planting strip along the rear property line abutting a residential zone and without a 10 foot wide planting strip along the side property line abutting a residential use in a commercial zone; and to allow 1 other business sign of 95.2 square feet per side (190.4 square feet total) in lieu of 3 signs with a total area of 100 square feet as permitted.

HEARING: WEDNESDAY, MAY 7, 1997 at 9:00 a.m., 4th floor hearing room, Courts Bldg., 401 Bosley Avenue.

Arnold Jablon  
 Director

cc: Stanley E. Lloyd  
 Philadelphia Road CVS, Inc.  
 Anthony DiPaola, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 22, 1997.  
 (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
 (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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 on Recycled Paper

COVAHEY & BOOZER, P.A.

ATTORNEYS AT LAW

614 BOSLEY AVENUE  
 TOWSON, MARYLAND 21204

AREA CODE 410  
 828-9441

FAX 410-823-7530

EDWARD C. COVAHEY, JR.  
 F. VERNON BOOZER  
 MARK S. DEVAH  
 ANTHONY J. DIPOLA  
 THOMAS J. DORE  
 ROGER J. SULLIVAN

ANNEX OFFICE  
 SUITE 302  
 608 BALTIMORE AVE.  
 TOWSON, MD 21204

May 1, 1997

## HAND DELIVERY

Baltimore County Zoning Office  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204

ATTN: Gwen Stephens

RE: 9519 PHILADELPHIA ROAD - CVS PHARMACY  
 CASE NO.: 97-395-A  
 HEARING DATE: MAY 7, 1997

Dear Gwen:

Please treat this as a request for a continuance of the hearing scheduled for May 7, 1997 at 9:00 a.m. Having received unfavorable comments from the Planning Office, and after meetings with the Planning Department, there have been some substantial revisions to the Plan which also change the variance relief requested. We will be filing an Amended Plan with an Amended Petition within the next ten (10) days or so, along with the requisite fee for filing the Amended Plans which I believe is \$100.00.

Please advise if there is any problem continuing the hearing, and what if any action we should take with respect to the sign posting firm in order to notify the public that the hearing is to be continued. Thank you.

Very truly yours,

*Anthony J. DiPaola*

Anthony J. DiPaola

AJD/ds  
 5 ds.2

cc: Thomas J. Hoff (via facsimile & first class mail)  
 William H. Knott (via facsimile & first class mail)



Baltimore County  
 Department of Permits and  
 Development Management

Development Processing  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

May 5, 1997

Anthony J. DiPaola, Esquire  
 Coveley & Booser, P.A.  
 614 Bosley Avenue  
 Towson, MD 21204

RE: Case Number 97-395-A  
 Petitioner(s): Stanley E. Lloyd  
 Location: 9519 Philadelphia Road

Dear Mr. DiPaola:

The above matter, previously assigned to be heard on Wednesday, May 7, 1997 at 9:00 a.m. has been postponed per your request dated May 1, 1997. As indicated in your telephone conversation with Mr. Carl Richards today, you will be responsible for notifying all interested parties in this matter.

Please be advised that as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. Enclosed, you will find a listing of those vendors.

If the property has been posted with notice of the May 7th hearing date, then, as quickly as possible, a notice of postponement should be affixed to the sign(s). Then, upon notification of the new hearing date, such sign(s) must be changed to give notice of the new hearing date.

Very truly yours,

*Arnold Jablon*

Arnold Jablon  
 Director

scj

cc: Mr. Stanley E. Lloyd  
 Mr. William H. Knott

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 on Recycled Paper

TO: PUTNEY PUBLISHING COMPANY  
 June 5, 1997 Issue - Jeffersonian

Please forward billing to:

Anthony J. DiPaola, Esq.  
 Coveley & Booser, P.A.  
 614 Bosley Avenue  
 Towson, MD 21204  
 410-828-9441

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-395-A

9519 Philadelphia Road  
 corner S/S Philadelphia Road, SW/S Middle River Road  
 15th Election District - 5th Councilmanic  
 Legal Owner(s): Stanley E. Lloyd  
 Lessee: Philadelphia Road CVS, Inc.

Variance to allow a drug store with 38 parking spaces in lieu of the required 50 spaces; to allow a commercial use with a planting strip along the rear property line abutting a residential zone and a variable width of 7.2' to 10.8' in lieu of the required 10 ft.; and a side property line abutting a residential use in a commercial zone with a 6.6 ft. wide planting strip in lieu of the required 10 ft.; to allow parking spaces in a surface parking facility for a non-residential use that are 5 ft. from the right of way line in lieu of the required 10 feet.

HEARING: WEDNESDAY, JULY 2, 1997 at 9:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT  
 ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
 (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
 Department of Permits and  
 Development Management

Development Processing  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

May 30, 1997

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-395-A

9519 Philadelphia Road  
 corner S/S Philadelphia Road, SW/S Middle River Road  
 15th Election District - 5th Councilmanic  
 Legal Owner(s): Stanley E. Lloyd  
 Lessee: Philadelphia Road CVS, Inc.

Variance to allow a drug store with 38 parking spaces in lieu of the required 50 spaces; to allow a commercial use with a planting strip along the rear property line abutting a residential zone and a variable width of 7.2' to 10.8' in lieu of the required 10 ft.; and a side property line abutting a residential use in a commercial zone with a 6.6 ft. wide planting strip in lieu of the required 10 ft.; to allow parking spaces in a surface parking facility for a non-residential use that are 5 ft. from the right of way line in lieu of the required 10 feet.

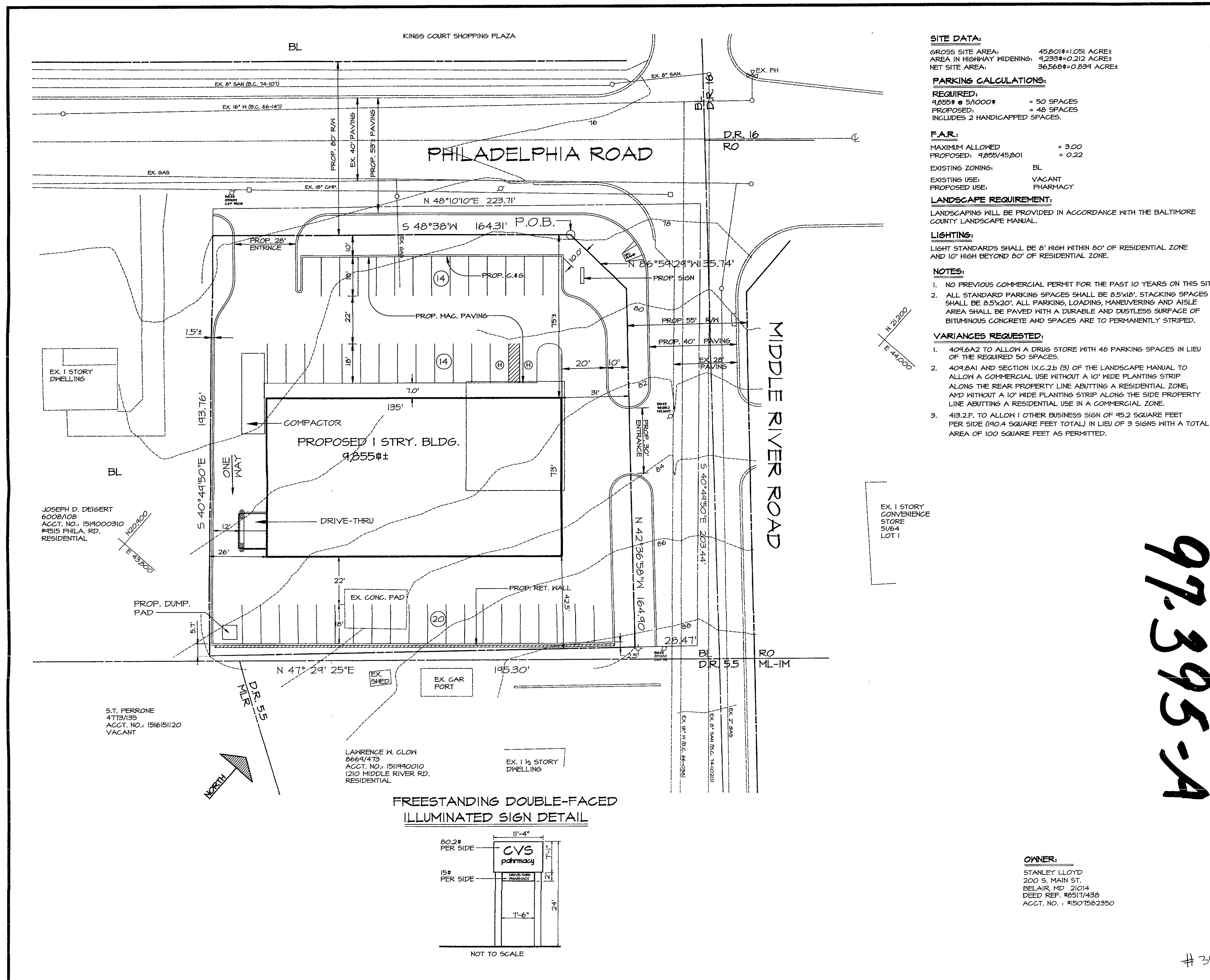
HEARING: WEDNESDAY, JULY 2, 1997 at 9:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

Arnold Jablon  
 Director

cc: Stanley E. Lloyd  
 Philadelphia Road CVS, Inc.  
 Anthony J. DiPaola, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 17, 1997.  
 (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
 (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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 on Recycled Paper



**SITE DATA:**  
 GROSS SITE AREA: 45,801±=1.051 ACRES  
 AREA IN HIGHWAY WIDENING: 4,233±=0.212 ACRES  
 NET SITE AREA: 36,568±=0.839 ACRES

**PARKING CALCULATIONS:**  
**REQUIRED:**  
 9855± @ 510000\* = 50 SPACES  
**PROPOSED:** = 48 SPACES  
 INCLUDES 2 HANDICAPPED SPACES.

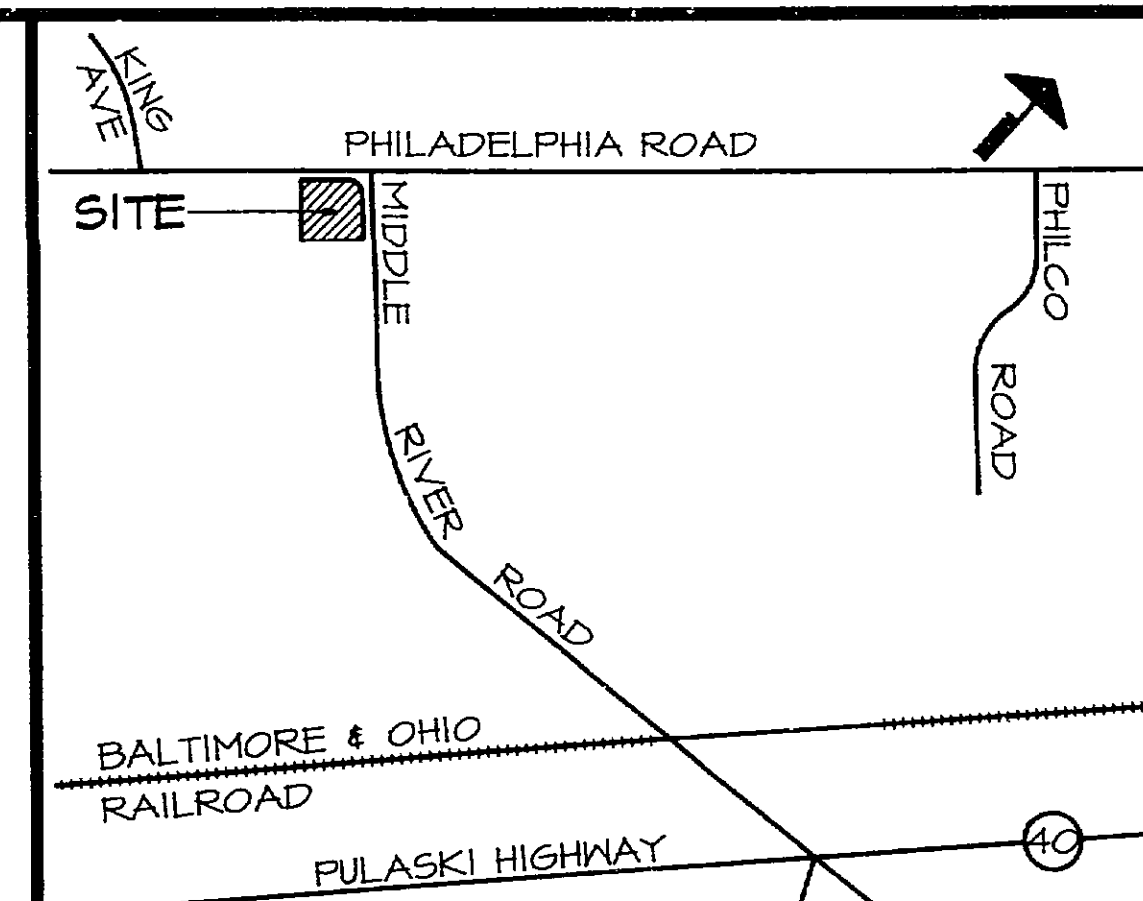
**F.A.R.:**  
 MAXIMUM ALLOWED = 3.00  
 PROPOSED: 9,855/45,801 = 0.22  
**EXISTING ZONING:** BL  
**EXISTING USE:** VACANT  
**PROPOSED USE:** PHARMACY

**LANDSCAPE REQUIREMENT:**  
 LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.

**LIGHTING:**  
 LIGHT STANDARDS SHALL BE 8' HIGH WITHIN 80' OF RESIDENTIAL ZONE AND 10' HIGH BEYOND 80' OF RESIDENTIAL ZONE.

**NOTES:**  
 1. NO PREVIOUS COMMERCIAL PERMIT FOR THE PAST 10 YEARS ON THIS SITE.  
 2. ALL STANDARD PARKING SPACES SHALL BE 8.5'x18'. STACKING SPACES SHALL BE 8.5'x20'. ALL PARKING, LOADING, MANEUVERING AND AISLE AREA SHALL BE PAVED WITH A DURABLE AND DUSTLESS SURFACE OF BITUMINOUS CONCRETE AND SPACES ARE TO PERMANENTLY STRIPED.

**VARIANCES REQUESTED:**  
 1. 409.6A2 TO ALLOW A DRUG STORE WITH 48 PARKING SPACES IN LIEU OF THE REQUIRED 50 SPACES.  
 2. 409.8A1 AND SECTION 1X.G.2.b (3) OF THE LANDSCAPE MANUAL TO ALLOW A COMMERCIAL USE WITHOUT A 10' WIDE PLANTING STRIP ALONG THE REAR PROPERTY LINE ABUTTING A RESIDENTIAL ZONE, AND WITHOUT A 10' WIDE PLANTING STRIP ALONG THE SIDE PROPERTY LINE ABUTTING A RESIDENTIAL USE IN A COMMERCIAL ZONE.  
 3. 413.2.F. TO ALLOW 1 OTHER BUSINESS SIGN OF 95.2 SQUARE FEET PER SIDE (190.4 SQUARE FEET TOTAL) IN LIEU OF 3 SIGNS WITH A TOTAL AREA OF 100 SQUARE FEET AS PERMITTED.



**VICINITY MAP**  
 SCALE: 1"=600'

**CRG HISTORY:**  
 PLANNING CRG NO. XV-548  
 PUB. SER. CRG NO.: 91-073  
 APPROVED ON 8/13/92 AND 4/22/93 FOR AN AUTO-SERVICE STATION.

**ZONING HISTORY:**  
 THIS SITE IS LOCATED IN ZONING MAP N.E. 6-H, BALTIMORE COUNTY.  
 CASE NO. 89  
 RECLASSIFICATION FROM A RESIDENTIAL USE AREA TO A COMMERCIAL USE AREA FOR SIX TOURIST CABINS.  
 ORDER GRANTED MAY 21, 1990.

**CASE NO. 91-448-XA:**  
 SPECIAL EXCEPTION TO PERMIT AUTOMOTIVE SERVICE STATION (GAS & N 60) IN A BL-CNS ZONE, SECTIONS 230.13 & 405.2.B.2.  
 SPECIAL EXCEPTION TO PERMIT A CAR WASH AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.4.  
 SPECIAL EXCEPTION TO PERMIT A FOOD STORE OF LESS THAN 5000 SF AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.8.  
 SPECIAL EXCEPTION TO USE A SMALL PORTION OF THE SUBJECT PROPERTY (PARCEL "A") ZONED BL AS A CAR WASH (STACKING SPACES ONLY) ACCESSORY TO THE CAR WASH USE IN COMBINATION ON THE SAME SITE.  
 VARIANCE FROM SECTION 405.4.B.2 TO ALLOW AN AUTOMOTIVE SERVICE STATION WITHOUT A 10' WIDE PLANTING STRIP ALONG THE REAR PROPERTY LINE ABUTTING A RESIDENTIAL ZONE AND ADJACENT TO THE PROPOSED AND REQUIRED FENCE SCREENING.  
 VARIANCE FROM SECTION 413.2.F.405.4.B.4 TO PERMIT ONE (1) BUSINESS SIGN OF 200.3 SF IN LIEU OF THREE (3) SIGNS OF 100 SF AS PERMITTED.  
 ORDER WAS DENIED, 12/4/91.

**CASE NO. 91-448-XA:**  
 SPECIAL EXCEPTION GRANTED BY BOARD OF APPEALS ON 5/2/92, AND AFFIRMED BY CIRCUIT COURT FOR BALTIMORE COUNTY ON 4/12/93 (CASE NO. 92CV5341). VARIANCES WERE FINALLY GRANTED BY BOARD OF APPEALS ON REHEAR FROM CIRCUIT COURT, BY SUPPLEMENTAL OPINION AND ORDER DATED 7/22/93, AND CLARIFICATION OF SUPPLEMENTAL OPINION DATED 8/20/93.

**CASE NO. 95-953-SPH:**  
 PETITION FOR SPECIAL HEARING SEEKING APPROVAL OF AN EXTENSION OF TIME IN WHICH TO UTILIZE THE SPECIAL EXCEPTION GRANTED IN PRIOR CASE NO. 91-448-XA, GRANTED MAY 22/1995.

## PLAT TO ACCOMPANY PETITION FOR VARIANCES

**CVS/pharmacy**  
 9519 PHILADELPHIA ROAD

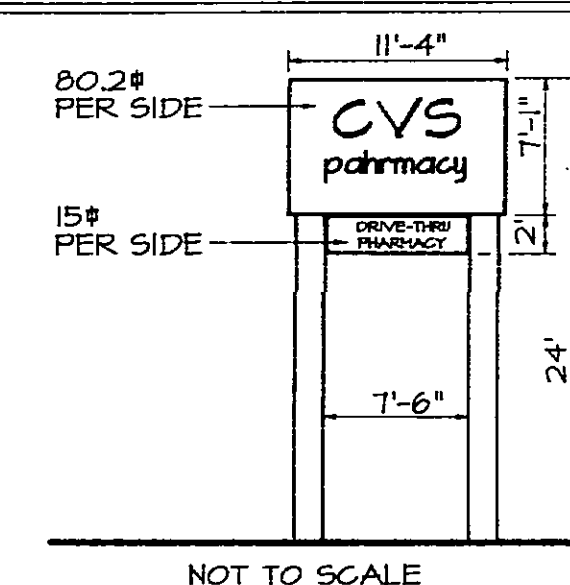
PDM #XV-548  
 TAX MAP 82, PARCEL 160, GRID 21  
 CENSUS TRACT: 4513  
 WATERSHED: 6  
 ELECTION DISTRICT 15 C5  
 BALTIMORE COUNTY, MD

SUBSENERSED: 14  
 COUNCILMANIC 6

<b>THOMAS J. HOFF, INC.</b> Land Development Consultants and Landscape Architects	REVISIONS:	SCALE: 1"=20' DATE: 3/13/97 JOB NO.: 125-01 DESIGNED: TJH DRAWN: SLV CHECKED: DRAWING NUMBER: SP-1
	SHEET 1 OF 1 E:\DRAWINGS\125.DWG	

**OWNER:**  
 STANLEY LLOYD  
 200 S. MAIN ST.  
 BELAIR, MD 21014  
 DEED REF. #20511/438  
 ACCT. NO.: #1507582350

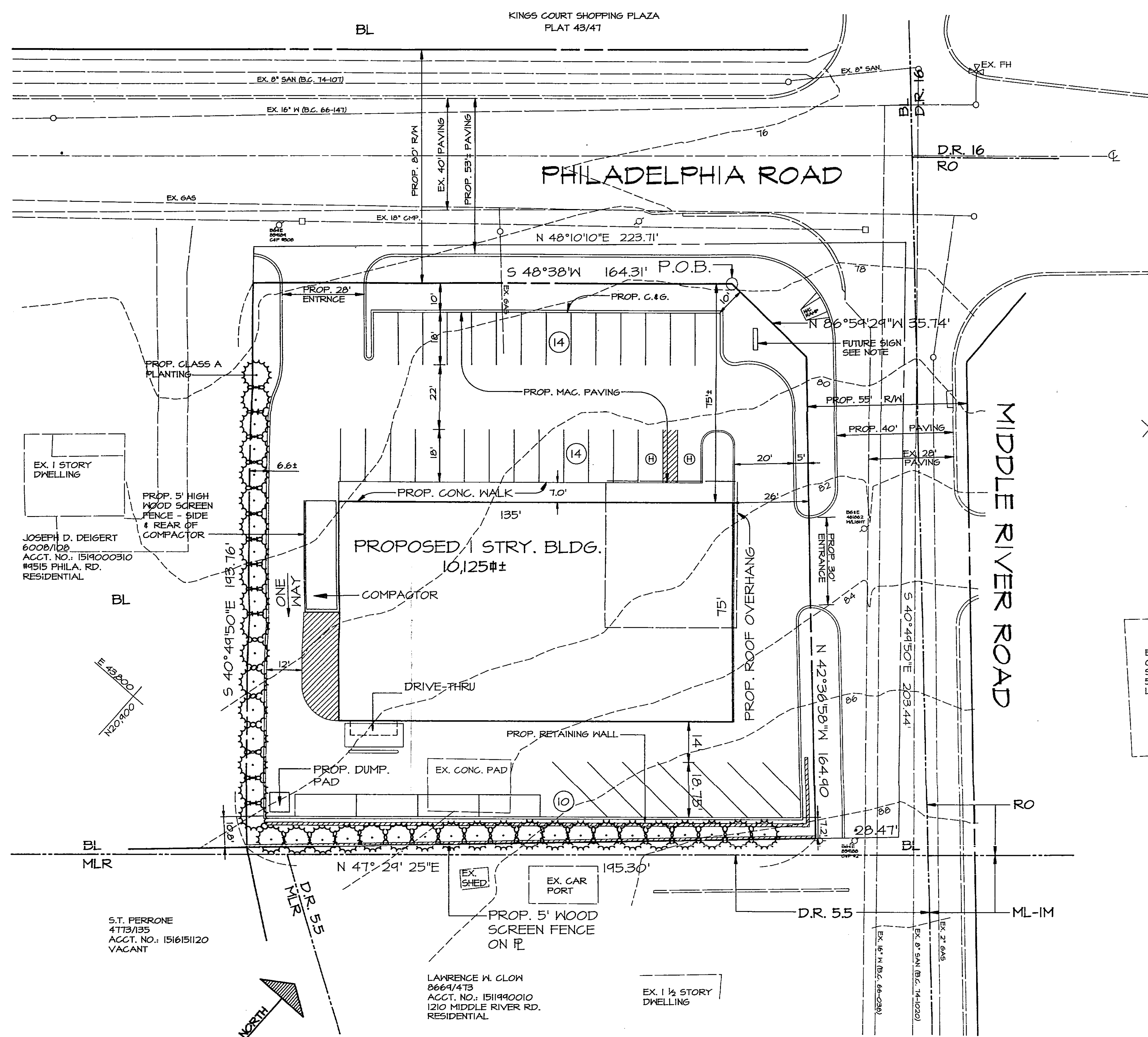
## FREESTANDING DOUBLE-FACED ILLUMINATED SIGN DETAIL



97.395-A

# 345





#### SITE DATA:

GROSS SITE AREA: 45,801±=1.051 ACRE±  
 AREA IN HIGHWAY WIDENING: 4,233±=0.212 ACRE±  
 NET SITE AREA: 36,568±=0.834 ACRE±

#### PARKING CALCULATIONS:

REQUIRED:  
 10,125± @ 51/1000± = 51 SPACES  
 PROPOSED: = 30 SPACES  
 INCLUDES 2 HANDICAPPED SPACES.

#### F.A.R.:

MAXIMUM ALLOWED = 3.00  
 PROPOSED: 10,125/45,801 = 0.22

EXISTING ZONING: BL  
 EXISTING USE: VACANT  
 PROPOSED USE: PHARMACY

#### LANDSCAPE REQUIREMENT:

LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.

#### LIGHTING:

- LIGHT STANDARDS SHALL BE 8' HIGH WITHIN 80' OF RESIDENTIAL ZONE AND 10' HIGH BEYOND 80' OF RESIDENTIAL ZONE.
- ON SITE LIGHTING SHALL BE SO ARRANGED AND SHIELDED AS TO CONFINED ALL DIRECT LIGHT RAYS ENTIRELY WITHIN THE BOUNDARY LINE OF THE SITE AND TO PREVENT REFLECTED LIGHT RAYS FROM SHINING OR GLARING ONTO ANY PORTION OF ANY ADJACENT MOTORWAY OR INTO THE PATH OF ONCOMING VEHICLES.

#### SIGNAGE:

THERE ARE NO EXISTING FREE-STANDING SIGNS ON SITE AND THERE ARE NO PROPOSED FREE-STANDING SIGNS AT THIS TIME. HOWEVER, THE DEVELOPER RESERVES THE RIGHT TO INSTALL A FREE-STANDING SIGN IN THE FUTURE. THE DEVELOPER UNDERSTANDS THAT ANY FUTURE FREE-STANDING SIGN MUST COMPLY WITH SECTION 413.6 (B.C.Z.R.). ALL ZONING SIGN POLICIES AND MUST BE ISSUED A PERMIT.

#### NOTES:

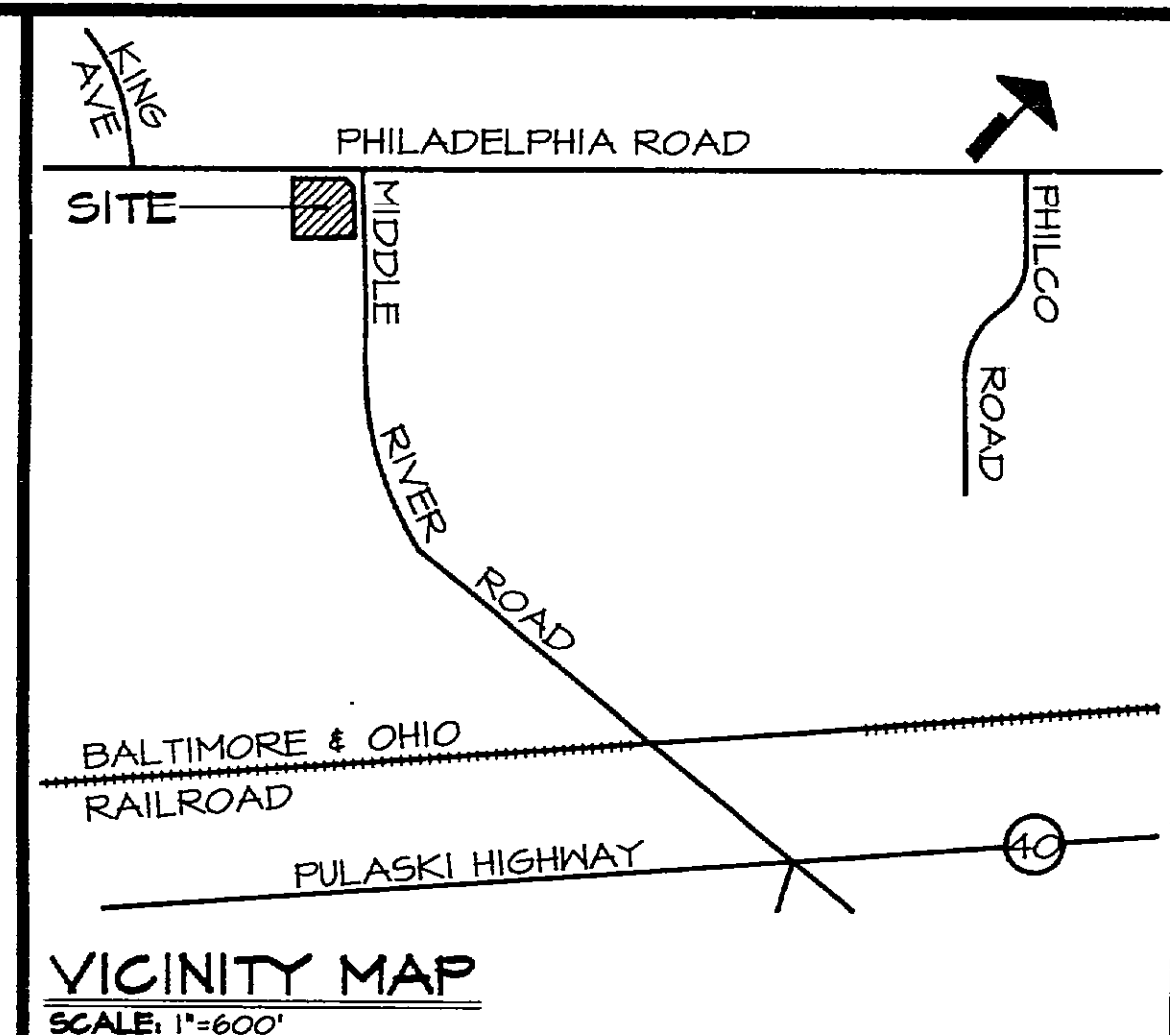
1. NO PREVIOUS COMMERCIAL PERMIT FOR THE PAST 10 YEARS ON THIS SITE.
2. ALL STANDARD PARKING SPACES SHALL BE 8.5'x10'. STACKING SPACES SHALL BE 8.5'x20'. ALL PARKING, LOADING, MANEUVERING AND AISLE AREA SHALL BE PAVED WITH A DURABLE AND DUSTLESS SURFACE OF BITUMINOUS CONCRETE AND SPACES ARE TO PERMANENTLY STRIPED.

#### VARIANCES REQUESTED:

- ATTACHMENT TO PETITION FOR VARIANCE - 4515 PHILADELPHIA ROAD
1. 401.6A2 TO ALLOW A DRUG STORE WITH 30 PARKING SPACES IN LIEU OF THE REQUIRED 51 SPACES.
  2. 401.6A1 AND SECTION 1X.C.2.b (3) OF THE LANDSCAPE MANUAL TO ALLOW A COMMERCIAL USE WITH A PLANTING STRIP ALONG THE REAR PROPERTY LINE ABUTTING A RESIDENTIAL ZONE WITH A VARIABLE WIDTH OF 1.2' TO 10.8' IN LIEU OF THE REQUIRED 10', AND A SIDE PROPERTY LINE ABUTTING A RESIDENTIAL USE IN A COMMERCIAL ZONE WITH A 6.6' WIDE PLANTING STRIP IN LIEU OF THE REQUIRED 10'.
  3. 401.6A4 TO ALLOW PARKING SPACES IN A SURFACE PARKING FACILITY FOR A NON-RESIDENTIAL USE THAT ARE 5' FROM THE RIGHT OF WAY LINE IN LIEU OF THE REQUIRED 10'.

#### OWNER:

STANLEY LLOYD  
 200 S. MAIN ST.  
 BELAIR, MD 21014  
 DEED REF. #8517/438  
 ACCT. NO. #1507582350



#### CRS HISTORY:

PLANNING CRS NO. XY-548  
 PUB. SER. CRS NO. 41-073  
 APPROVED ON 8/13/42 AND 4/22/43 FOR AN AUTO-SERVICE STATION.

#### ZONING HISTORY:

THIS SITE IS LOCATED ON ZONING MAP N.E. 6-H, BALTIMORE COUNTY.  
**CASE NO. 64**  
 RECLASSIFICATION FROM A RESIDENTIAL USE AREA TO A COMMERCIAL USE AREA FOR SIX TOURIST CABINS.  
 ORDER GRANTED MAY 21, 1940.

#### CASE NO. 41-448-XA

- SPECIAL EXCEPTION TO PERMIT AUTOMOTIVE SERVICE STATION (GAS & 60) IN A BL-CNS ZONE, SECTIONS 230.13 & 405.2.B.2.
- SPECIAL EXCEPTION TO PERMIT A CAR WASH AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.4.
- SPECIAL EXCEPTION TO PERMIT A FOOD STORE OF LESS THAN 5000 SF AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.8.
- SPECIAL EXCEPTION TO USE A SMALL PORTION OF THE SUBJECT PROPERTY (PARCEL 1A) ZONED BL AS A CAR WASH (STACKING SPACES ONLY) ACCESSORY TO THE CAR WASH USE IN COMBINATION ON THE SAME SITE.
- VARIANCE FROM SECTION 405.4.B.2 TO ALLOW AN AUTOMOTIVE SERVICE STATION WITHOUT A 10' WIDE PLANTING STRIP ALONG THE REAR PROPERTY LINE ABUTTING A RESIDENTIAL ZONE AND ADJACENT TO THE PROPOSED AND REQUIRED FENCE SCREENING.
- VARIANCE FROM SECTION 413.2.F.4.405.4.B.4 TO PERMIT ONE (1) BUSINESS SIGN OF 200.3 SF IN LIEU OF THREE (3) SIGNS OF 100 SF AS PERMITTED.

ORDER WAS DENIED, 12/1/41.

#### CASE NO. 41-418-XA

SPECIAL EXCEPTION GRANTED BY BOARD OF APPEALS ON 5/2/42, AND AFFIRMED BY CIRCUIT COURT FOR BALTIMORE COUNTY ON 4/12/43 (CASE NO. 42CV5341); VARIANCES WERE FINALLY GRANTED BY BOARD OF APPEALS ON REHEAR FROM CIRCUIT COURT, BY SUPPLEMENTAL OPINION AND ORDER DATED 7/22/43, AND CLARIFICATION OF SUPPLEMENTAL OPINION DATED 8/20/43.

#### CASE NO. 45-353-SPH

PETITION FOR SPECIAL HEARING SEEKING APPROVAL OF AN EXTENSION OF TIME IN WHICH TO UTILIZE THE SPECIAL EXCEPTION GRANTED IN PRIOR CASE NO. 41-448-XA, GRANTED MAY 22, 1945.

### PLAT TO ACCOMPANY PETITION FOR VARIANCES

CVS/pharmacy  
 4519 PHILADELPHIA ROAD

PDM #XY-548  
 TAX MAP 82, PARCEL 160, GRID 21  
 CENSUS TRACT: 4513  
 WATERSHED: 6  
 ELECTION DISTRICT 15 C5  
 BALTIMORE COUNTY, MD

SUBWATERSHED: 14  
 COUNCILMANIC 6

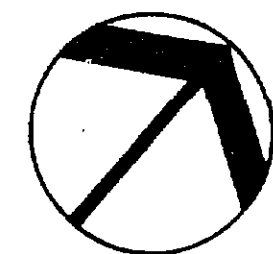
THOMAS J.  
 HOFF, INC.

Land Development  
 Consultants  
 and Landscape  
 Architects

1717 York Rd., Suite 19  
 Lutherville, Md. 21093  
 410-628-9225  
 FAX: 628-9229

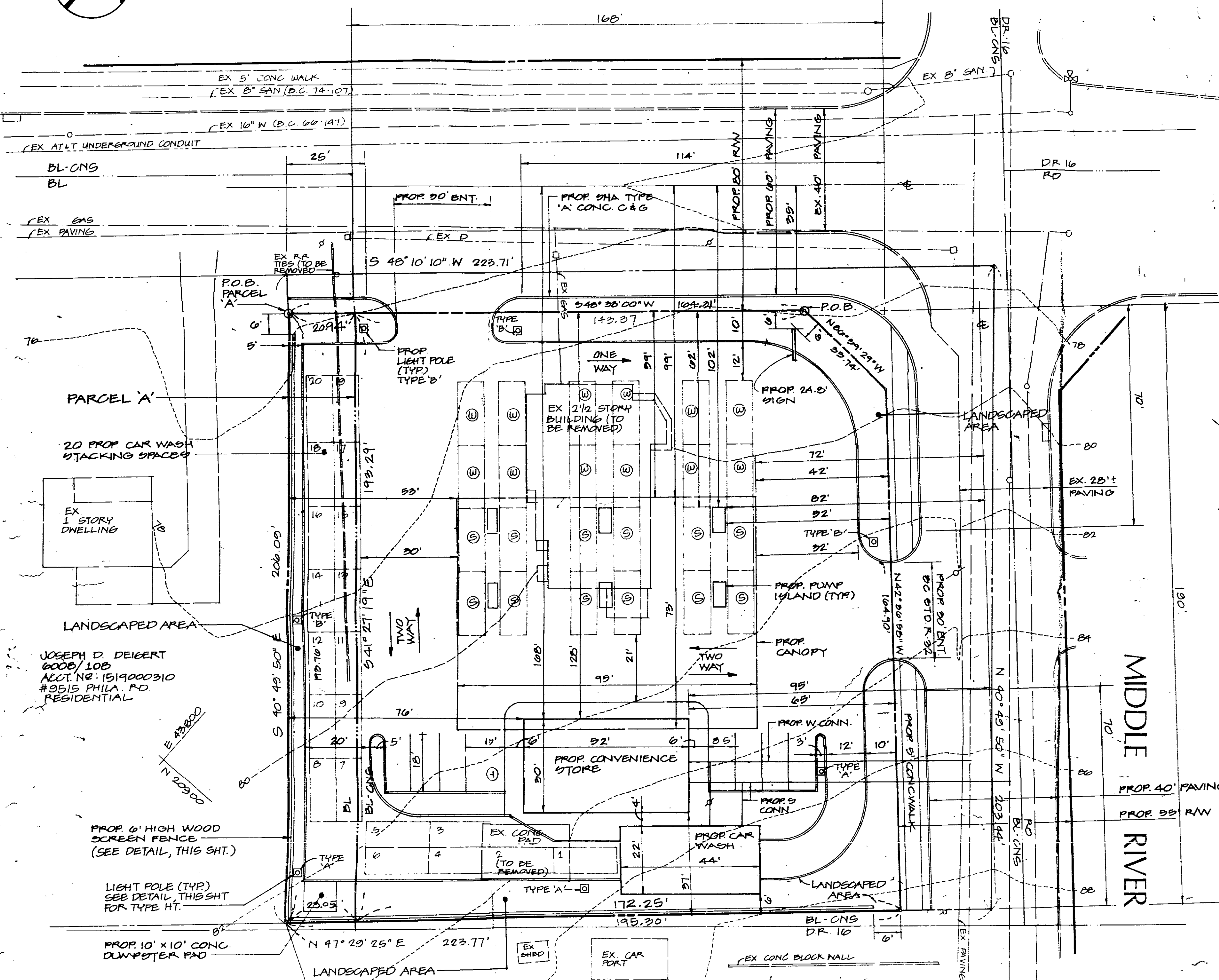
REVISIONS:	SCALE: 1"=20'
DATE: 5/14/97	
JOB NO.: 125-01	
DESIGNED: TJH	
DRAWN: SLV	
CHECKED:	
DRAWING NUMBER:	SP-1
SHEET	OF
E:\DRAWINGS\125.DWG	





# PHILADELPHIA ROAD

KINGS COURT SHOPPING PLAZA  
Δ 49/47



## SITE DATA

SITE ACREAGE:  
GROSS: 1.05 AC +/- (45,800 SF)  
NET: 0.84 AC +/- (36,571 SF)

EXISTING ZONING:  
BL-CNS  
BL

EXISTING USE: VACANT  
PROPOSED USE: AUTOMOTIVE SERVICE STATION & CONVENIENCE STORE WITH CAR WASH (MACHINE OPERATED DRIVE THRU). NO OTHER ANCILLARY USES ARE PROPOSED.

SITE AREA REQUIREMENTS:  
6 DISPENSER ISLANDS WITH 6 DISPENSERS, CAPABLE OF SERVING 12 CARS AT ONE TIME  
12 FUEL SERVICING SPACES @ 1500 SF / SPACE = 18,000 SF  
CONVENIENCE STORE @ 1500 SF x 4 = 6,240 SF  
CAR WASH @ 960 SF = 960 SF  
TOTAL SITE AREA REQUIRED = 25,200 SF  
TOTAL SITE AREA PROVIDED = 32,316 SF

SITE WIDTH REQUIREMENTS:  
MINIMUM SITE WIDTH REQUIRED ALONG MAJOR STREET = 90'  
SITE WIDTH PROVIDED = 168'

ACCESS POINTS:  
NUMBER OF ENTRANCES ON MAJOR STREET = 1  
NUMBER OF ENTRANCES ON MINOR STREET = 1

PARKING:  
REQUIRED:  
CONVENIENCE STORE - 1560 SF @ 5/1000 SF = 8 SP  
PROPOSED: (INCLUDES 1 HANDICAPPED SP) = 8 SP

## SERVICE/STACKING SPACES:

SERVICE STATION:  
12 FUEL PUMPS @ 1 SERVICE SP + 1 STACKING SP/PUMP = 24  
TOTAL STACKING SPACES REQUIRED FOR FUEL PUMPS = 24  
TOTAL STACKING SPACES PROVIDED FOR FUEL PUMPS = 24

CAR WASH:  
NUMBER OF CARS PROCESSED DURING 1/2 HR OF OPERATION = 10  
NUMBER OF ADDITIONAL STACKING SPACES REQUIRED = 10  
TOTAL STACKING SPACES REQUIRED FOR CAR WASH = 20  
TOTAL STACKING SPACES PROVIDED FOR CAR WASH = 20

FLOOR AREA RATIO:  
MAXIMUM ALLOWED = 3.00  
PROPOSED = 2352 SF / 45,736 SF = 0.05

ADT'S:  
CONVENIENCE STORE - 1560 SF (24 HRS @ 887/1000 SF) = 1,384  
SERVICE STATION - 12 PUMPS @ 133/PUMP = 1,596  
CAR WASH - 20 CARS/HR x 8 = 160  
TOTAL ADT'S = 3,140

SETBACKS:	REQUIRED	PROVIDED
CANOPY:	10' FROM R/W	59
	35' FROM CL	99
MAIN STRUCTURE:	35' FROM R/W	128
	60' FROM CL	168
FUEL PUMP ISLAND:	15' FROM R/W	62
	40' FROM CL	102
SIGNS:	6' FROM R/W	6
	31' FROM CL	46

LANDSCAPE REQUIREMENTS:  
LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL. SEE SCHEMATIC LANDSCAPE PLAN, SHEET CRG-2.

LIGHTING:  
LIGHT STANDARDS SHALL BE 8' HIGH WITHIN 80' OF RESIDENTIAL ZONE AND 10' HIGH BEYOND 80' OF RESIDENTIAL ZONE.

SIGNAGE:  
ONE FREESTANDING ILLUMINATED SIGN 200.3 SF  
3 CANOPY SIGNS, ILLUMINATED (BACK LIT)  
2 BUILDING SIGNS, ILLUMINATED (BACK LIT)  
ALL CANOPY AND BUILDING SIGNS SHALL COMPLY WITH SEC. 413 AND ALL ZONING POLICIES.

ALL STANDARD PARKING SPACES SHALL BE 8.5' x 18'. STACKING SPACES SHALL BE 8.5' x 20'. ALL PARKING, LOADING, UNLOADING AND AISLE AREAS SHALL BE PAVED WITH A DURABLE AND DUSTLESS SURFACE OF BITUMINOUS CONCRETE AND SPACES ARE TO PERMANENTLY STRIPED.

CAR WASH DATA:  
CAR WASH SYSTEM SHALL BE A SLANT SYSTEMS - MODEL 560 SERIES, AUTOMATIC ROLL-OVER SYSTEM OR EQUIVALENT.  
AVERAGE WASH CYCLE PER VEHICLE = 1.5 MIN.  
AVERAGE STAGING TIME PER VEHICLE = 1.5 MIN.  
TOTAL AVERAGE PROCESSING TIME PER VEHICLE = 3.0 MIN.

## ZONING HISTORY

CASE NO. 69  
RECLASSIFICATION FROM A RESIDENTIAL USE AREA TO A COMMERCIAL USE AREA FOR SIX TOURIST CABINS.  
ORDER GRANTED MAY 27, 1940.

PLANNING CRG NO: XX-548  
PUB. SER. CRG NO: 91-073

## LEGEND

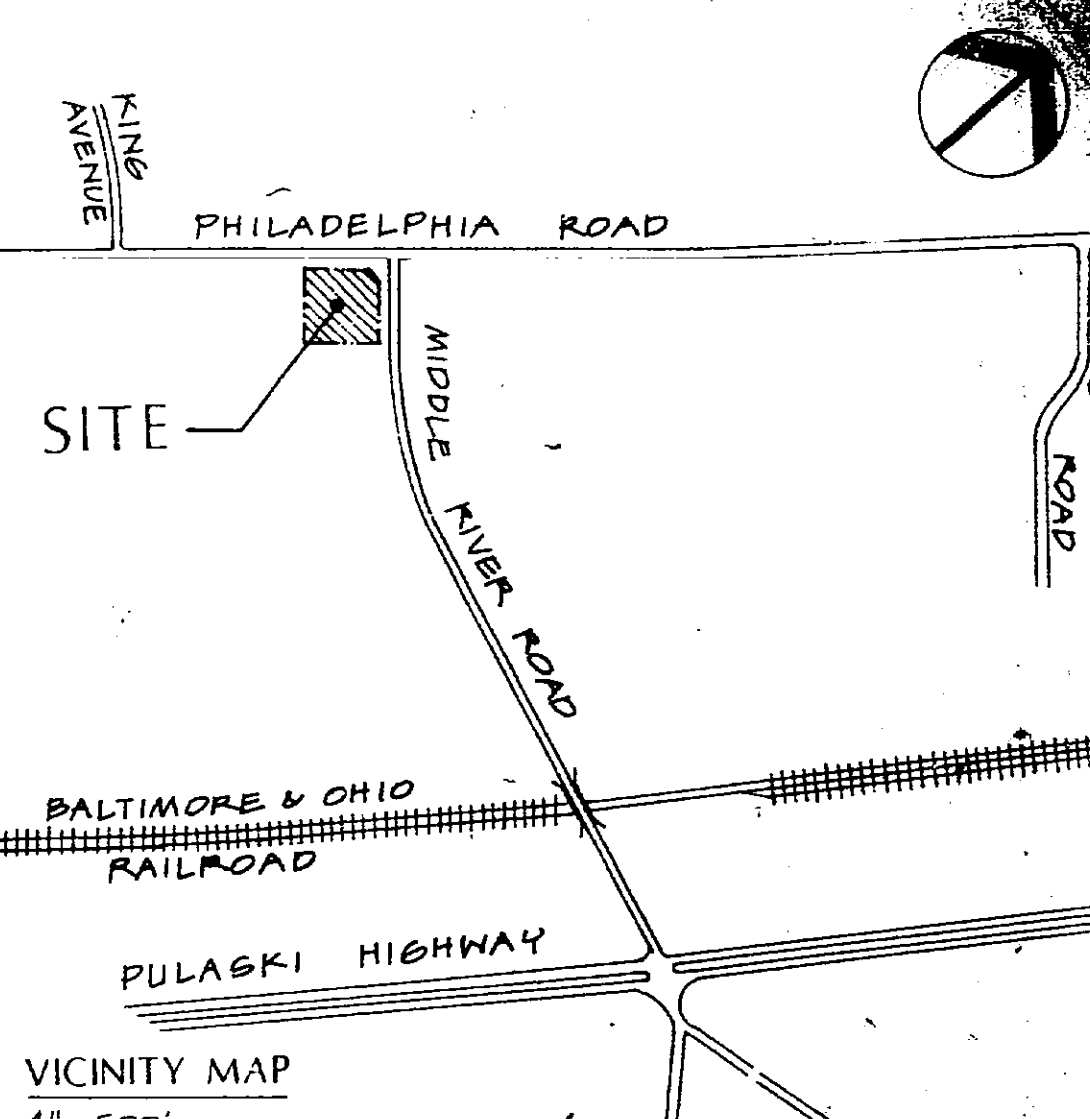
WAITING SPACE  
SERVICE SPACE

## OWNER

STANLEY LLOYD  
200 S. MAIN ST.  
BEL AIR, MD 21014  
DEED REF. 0517/430  
ACC. NO. 1907982750

## DEVELOPER

AMOCO OIL COMPANY  
90 CHARLES T. BOGDANOWICZ  
14520 GREEN RD.  
BALDWIN, MD 21013  
(301) 592-5914



## GENERAL NOTES

- THERE ARE NO 25% OR GREATER SLOPES ON SITE.
- SITE IS PRESENTLY PAVED WITH AN EXISTING 2 1/2" STORY BUILDING. EXISTING 2-1/2" STORY STRUCTURE, FOUNDATION AND CONCRETE PADS ON SITE ARE TO BE REMOVED. THE "HOTEL PHILADELPHIA INN", NOT INVENTORY BA 2438, HAS BEEN DETERMINED TO NOT BE A HISTORICALLY SIGNIFICANT SITE.
- THERE ARE NO EXISTING WELL OR SEPTIC AREAS ON SITE. THIS DEVELOPMENT WILL BE SERVED BY PUBLIC WATER AND SEWER.
- THERE ARE NO KNOWN UNDERGROUND TANKS, CRITICAL AREAS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIALS ON SITE.
- THERE ARE NO EXISTING STREAMS, BODIES OF WATER OR SPRINGS ON SITE.
- THERE ARE NO FLOODPLAINS, FLOOD AREAS OR 100 YR. RIVERKINE OR TIDAL AREAS ON SITE.
- LIGHT FIXTURES TO ILLUMINATE PARKING LOTS SHALL BE 30' ARRANGED AS TO REFLECT THE LIGHT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS. LIGHT STANDARDS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC BY CURBS OR LANDSCAPING.
- SIDEWALKS WILL BE REQUIRED ON ALL PUBLIC ROADS.
- CAR WASH WILL BE PROVIDED WITH AN OIL/GREASE SEPARATOR AND WASTE OIL TANK SUBJECT TO REQUIREMENTS OF THE BALTIMORE COUNTY DEPT. OF PUBLIC WORKS.
- TOPOGRAPHY AND PROPERTY LINE DATA TAKEN FROM SURVEY PERFORMED BY VITTI, ROBERT & ASSOCIATES, INC., DATED SEPT.-44, 1990.
- NO OTHER ACCESSORY USES PROPOSED.
- THE PREMISES SHALL BE MAINTAINED AT ALL TIMES IN A CLEAN AND ORDERLY CONDITION AND THERE SHALL BE NO STORAGE OF TRASH OR IMPERMISSIBLE VEHICLES.
- HOURS OF OPERATION SHALL BE 24 HOURS/DAY.

## ZONING PUBLIC HEARING REQUEST

- SPECIAL EXCEPTION TO PERMIT AUTOMOTIVE SERVICE STATION (GAS, WASH, GO) IN A BL-CNS ZONE, SECTIONS 230.13 & 405.2.B.2.
- SPECIAL EXCEPTION TO PERMIT A CAR WASH AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.4.
- SPECIAL EXCEPTION TO PERMIT A MOBILE STORE OF LESS THAN 5000 SF AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.8.
- SPECIAL EXCEPTION TO USE A SMALL PORTION OF THE SUBJECT PROPERTY (PARCEL "A") ZONED BL AS A CAR WASH (STACKING SPACES ONLY) ACCESSORY TO THE CAR WASH USE IN COMBINATION ON THE SAME SITE.
- VARIANCE FROM SECTION 405.4.B.2 TO ALLOW AN AUTOMOTIVE SERVICE STATION WITHOUT A 10' WIDE PLANTING STRIP ALONG THE REAR PROPERTY LINE ABUTTING A RESIDENTIAL ZONE AND ADJACENT TO THE PROPOSED AND REQUIRED FENCE SCREENING.
- VARIANCE FROM SECTIONS 413.2.f. & 405.4.B.4 TO PERMIT ONE (1) BUSINESS SIGN OF 200.3 SF IN LIEU OF THREE (3) SIGNS OF 100 SF AS PERMITTED.

## PLAT TO ACCOMPANY PETITIONS FOR SPECIAL EXCEPTIONS AND VARIANCES

AMOCO OIL COMPANY  
9519 PHILADELPHIA ROAD

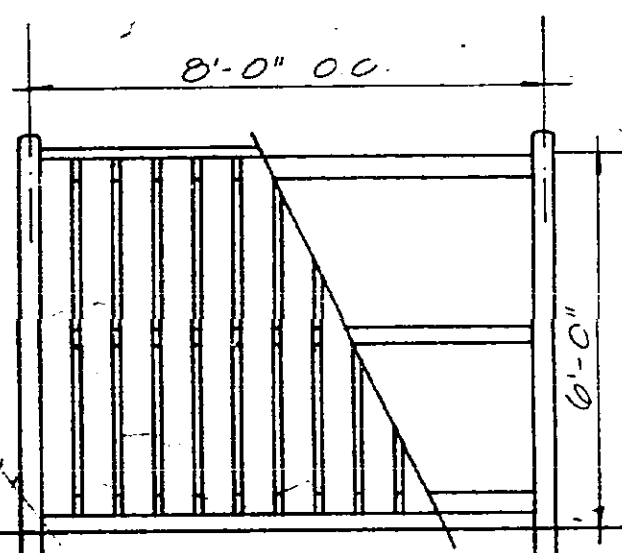
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COUNCILMAN: 10 DISTRICT NO: 5 CENSUS TRACT: 4512  
ELECTION: 1 STREET NO: 15  
BALTIMORE COUNTY, MD.



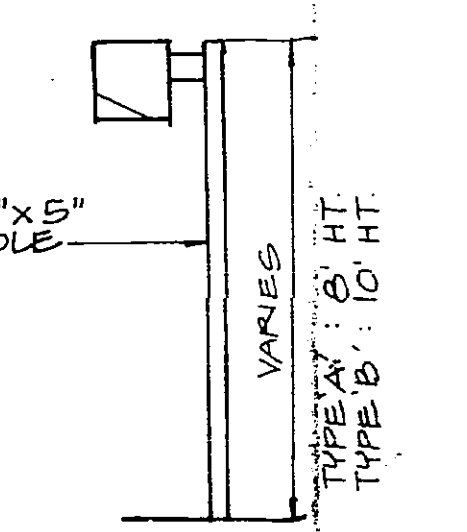
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DESIGNED: TJH	DRAWN: JBJ
CHECKED: TJH	DRAWING NUMBER:
	ZON-1
	SHEET 1 OF 2

P.O. Box 27402  
Towson, MD 21285-7402  
301-628-1225

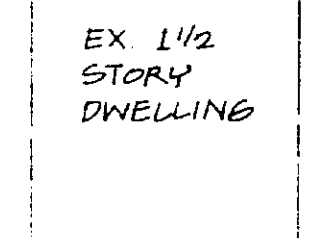
ST. PERRONE  
4773/135  
ACCT. NO. 1516151120



WOOD SCREEN FENCE  
ELEVATION - NOT TO SCALE

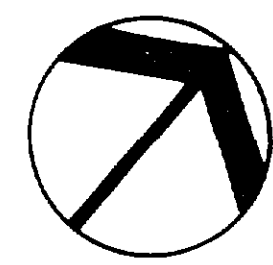


LIGHTING DETAIL  
NOT TO SCALE



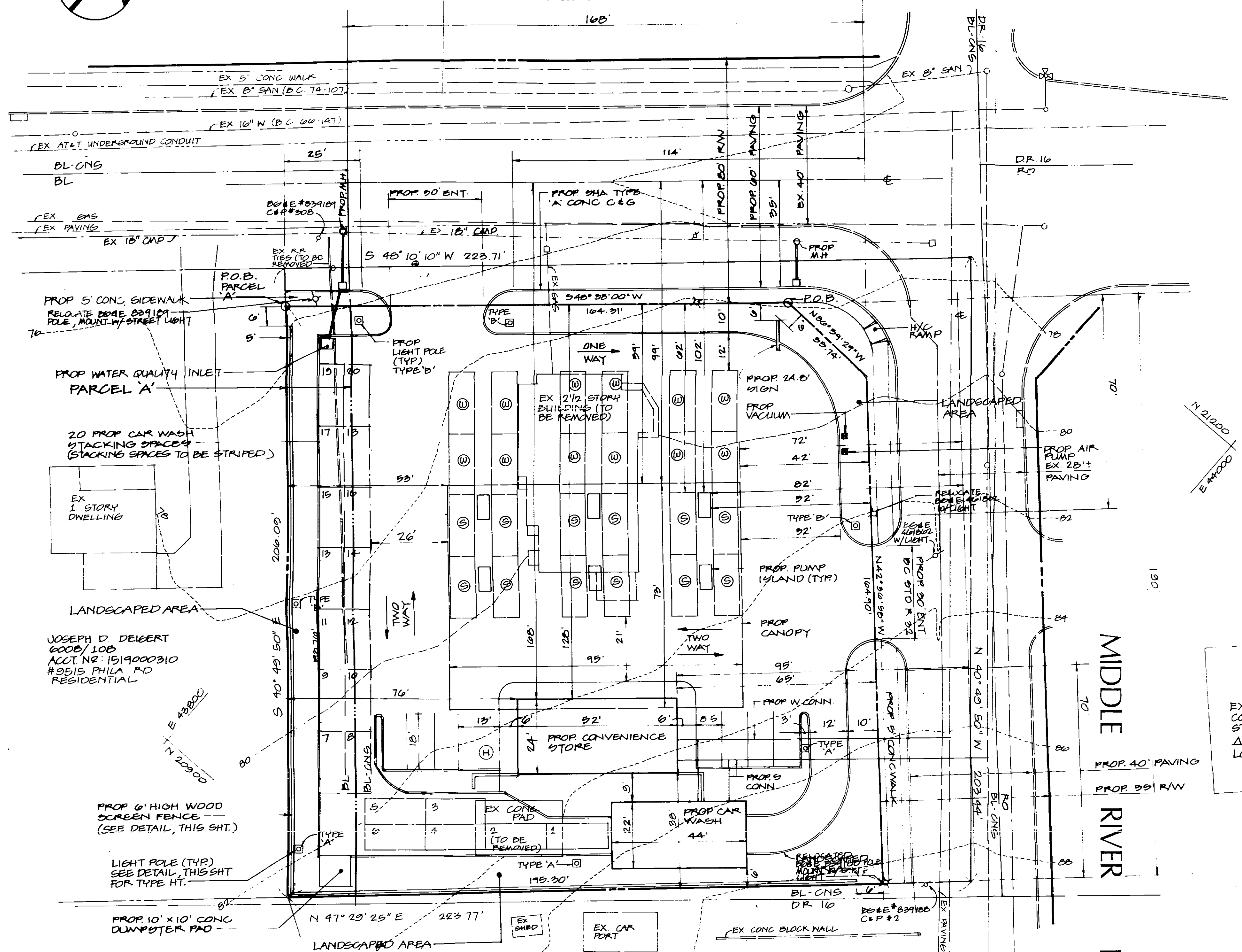
WALTER KYLE  
1063/157  
ACCT. NO. 1511990010  
1210 MIDDLE RIVER RD.  
RESIDENTIAL



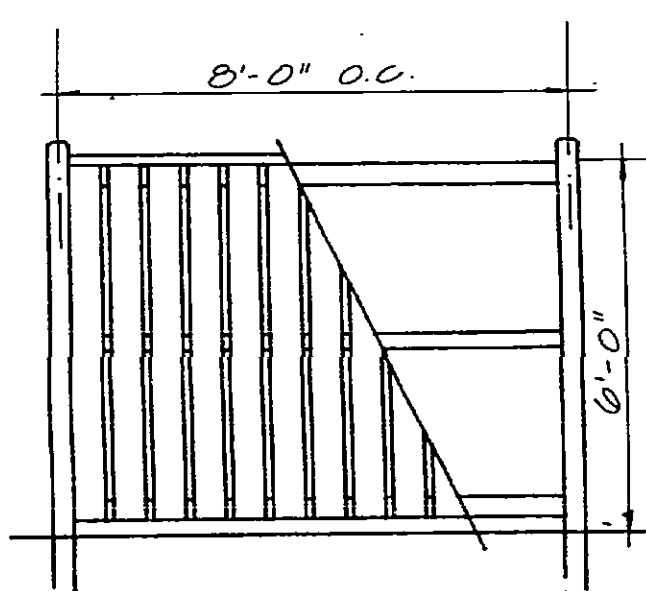


# PHILADELPHIA ROAD

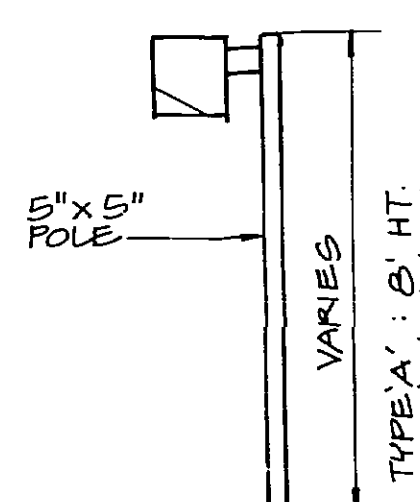
KINGS COURT SHOPPING PLAZA  
Δ 43/47



S.T. PENRONE  
4773/135  
ACCT NO. 1516151120  
VACANT



WOOD SCREEN FENCE  
ELEVATION - NOT TO SCALE



LIGHTING DETAIL  
NOT TO SCALE

LAWRENCE W. CLOW  
8000/473  
ACCT NO. 1511990010  
1210 MIDDLE RIVER RD.  
RESIDENTIAL

## SITE DATA

SITE ACREAGE:  
GROSS: 1.05 AC +/- (45,800 SF)  
NET: 0.84 AC +/- (36,571 SF)  
EXISTING ZONING: BL-CNS  
BL: 0.74 AC +/- (32,316 SF)  
BL: 0.10 AC +/- (4,255 SF)  
EXISTING USE: VACANT  
PROPOSED USE: AUTOMOTIVE SERVICE STATION & CONVENIENCE STORE WITH CAR WASH (MACHINE OPERATED DRIVE THRU). NO OTHER ANCILLARY USES ARE PROPOSED.

SITE AREA REQUIREMENTS:  
6 DISPENSER ISLANDS WITH 6 DISPENSERS, CAPABLE OF SERVING 12 CARS AT ONE TIME  
12 FUEL SERVICING SPACES @ 1500 SF/SPACE = 18,000 SF  
CONVENIENCE STORE @ 1560 SF X 4 = 6,240 SF  
CAR WASH @ 360 SF = 360 SF  
TOTAL SITE AREA REQUIRED = 25,200 SF  
TOTAL SITE AREA PROVIDED = 32,316 SF

SITE WIDTH REQUIREMENTS:  
MINIMUM SITE WIDTH REQUIRED ALONG MAJOR STREET = 90'  
SITE WIDTH PROVIDED = 168'

ACCESS POINTS:  
NUMBER OF ENTRANCES ON MAJOR STREET = 1  
NUMBER OF ENTRANCES ON MINOR STREET = 1

PARKING:  
REQUIRED:  
CONVENIENCE STORE - 1560 SF @ 5/1000 SF = 8 SP  
PROPOSED: (INCLUDES 1 HANDICAPPED SP) = 8 SP

## SERVICE/STACKING SPACES:

SERVICE STATION:  
12 FUEL PUMPS @ 1 SERVICE SP + 1 STACKING SP/PUMP = 24  
TOTAL STACKING SPACES REQUIRED FOR FUEL PUMPS = 24  
TOTAL STACKING SPACES PROVIDED FOR FUEL PUMPS = 24  
CAR WASH:  
NUMBER OF CARS PROCESSED DURING 1/2 HR OF OPERATION = 10  
NUMBER OF ADDITIONAL STACKING SPACES REQUIRED = 10  
TOTAL STACKING SPACES REQUIRED FOR CAR WASH = 20  
TOTAL STACKING SPACES PROVIDED FOR CAR WASH = 20

FLOOR AREA RATIO:  
MAXIMUM ALLOWED = 3.00  
PROPOSED = 2352 SF / 45,738 SF = 0.05

AUT'S:  
CONVENIENCE STORE - 1560 SF (24 HRS @ 887/1000 SF) = 1,384  
SERVICE STATION - 12 PUMPS @ 133/PUMP = 1,596  
CAR WASH - 20 CARS/HR X 8 = 160  
TOTAL AUT'S = 3,140

SETBACKS:	REQUIRED	PHILADELPHIA/MIDDLE RIVER
CANOPY:	10' FROM R/W	59
	35' FROM CL	42
MAIN STRUCTURE:	35' FROM R/W	128
	60' FROM CL	65
FUEL PUMP ISLAND:	15' FROM R/W	62
	40' FROM CL	102
SIGNS:	6' FROM R/W	6
	31' FROM CL	46

LANDSCAPE REQUIREMENTS:  
LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL. SEE SCHEMATIC LANDSCAPE PLAN, SHEET CRG-2.

LIGHTING:  
LIGHT STANDARDS SHALL BE 8' HIGH WITHIN 80' OF RESIDENTIAL ZONE AND 10' HIGH BEYOND 80' OF RESIDENTIAL ZONE.

SIGNAGE:  
ONE FREESTANDING ILLUMINATED SIGN = 200.3 SF  
3 CANOPY SIGNS, ILLUMINATED (BACK LIT)  
2 BUILDING SIGNS, ILLUMINATED (BACK LIT)  
ALL CANOPY AND BUILDING SIGNS SHALL COMPLY WITH SEC. 413 AND ALL ZONING POLICIES.

ALL STANDARD PARKING SPACES SHALL BE 8.5' X 18'. STACKING SPACES SHALL BE 8.5' X 20'. ALL PARKING, LOADING, MANEUVERING AND AISLE AREAS SHALL BE PAVED WITH A DURABLE AND CURELESS SURFACE OF BITUMINOUS CONCRETE AND SPACES ARE TO PERMANENTLY STRIPED.

CAR WASH DATA:  
CAR WASH SYSTEM SHALL BE A SLANT SYSTEMS - MODEL 560 SERIES, AUTOMATIC ROLL-OVER SYSTEM OR EQUIVALENT.  
AVERAGE WASH CYCLE PER VEHICLE = 1.5 MIN.  
AVERAGE STAGING TIME PER VEHICLE = 1.5 MIN.  
TOTAL AVERAGE PROCESSING TIME PER VEHICLE = 3.0 MIN.

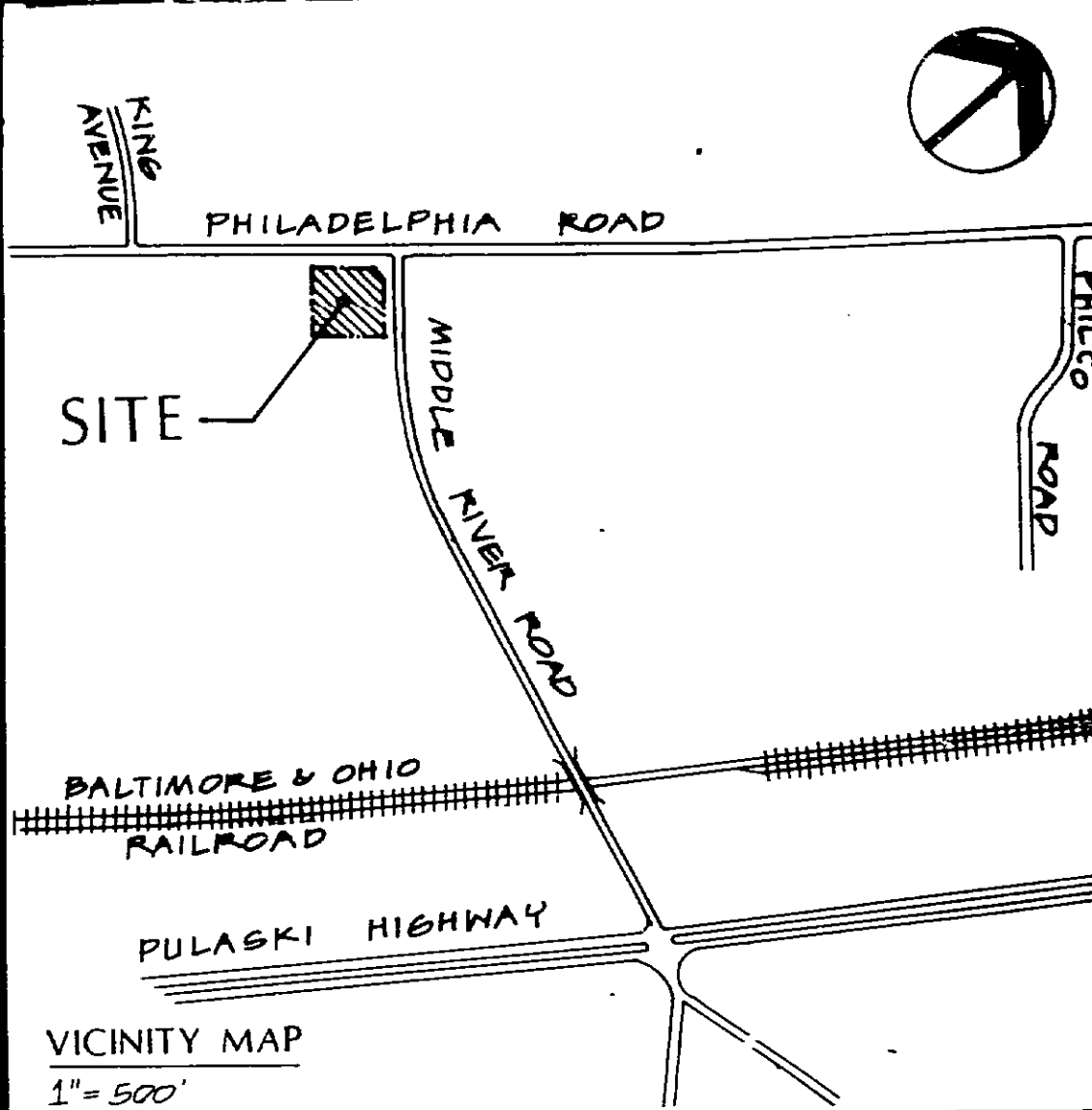
## ZONING HISTORY

CASE NO. 69  
RECLASSIFICATION FROM A RESIDENTIAL USE AREA TO A COMMERCIAL USE AREA FOR SIX TOURIST CADINS.  
ORDER GRANTED MAY 27, 1940.

PLANNING CRG NO. XX-548  
PUB. SER. CRG NO. 91-073

OWNER  
STANLEY LLOYD  
200 S. MAIN ST.  
BEL AIR, MD. 21014  
DEED REF. 0517/430  
ACCT NO. 1510152250

DEVELOPER  
AMOCO OIL COMPANY  
900 CHARLES T. BOGDANOWICZ  
14500 GREEN RD.  
BALDWIN, MD. 21013  
(301) 582-3014



## GENERAL NOTES

- THERE ARE NO 25% OR GREATER SLOPES ON SITE.
- SITE IS PRESENTLY PAVED WITH AN EXISTING 2 1/2 STORY BUILDING. EXISTING 2-1/2 STORY STRUCTURE, FOUNDATION AND CONCRETE PADS ON SITE ARE TO REMAIN. THE "OLDE PHILADELPHIA INN", MHT INVENTORY BA 2438, HAS BEEN DETERMINED TO NOT BE A HISTORICALLY SIGNIFICANT SITE.
- THERE ARE NO EXISTING WELL OR SEPTIC AREAS ON SITE. THIS DEVELOPMENT WILL BE SERVED BY PUBLIC WATER AND SEWER.
- THERE ARE NO KNOWN UNDERGROUND TANKS, CRITICAL AREAS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIALS ON SITE.
- THERE ARE NO EXISTING STREAMS, BODIES OF WATER OR SPRINGS ON SITE.
- THERE ARE NO FLOODPLAINS, FLOOD AREAS OR 100 YR. RIVERINE OR TIDAL AREAS ON SITE.
- LIGHT FIXTURES TO ILLUMINATE PARKING LOT SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS. LIGHT STANDARDS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC BY CURBING OR LANDSCAPING.
- SIDEWALKS WILL BE REQUIRED ON ALL PUBLIC ROADS.
- CAR WASH WILL BE PROVIDED WITH AN OIL/GREASE SEPARATOR INLET AND WASTE OIL TANK SUBJECT TO REQUIREMENTS OF THE BALTIMORE COUNTY DEPRM.
- TOPOGRAPHY AND PROPERTY LINE DATA TAKEN FROM SURVEY PREPARED BY VITTI, ROBE & ASSOCIATES, INC., DATED SEPT. 14, 1990.
- NO OTHER ACCESSORY USES PROPOSED.
- THE PREMISES SHALL BE MAINTAINED AT ALL TIMES IN A CLEAN AND ORDERLY CONDITION AND THERE SHALL BE NO STORAGE OF DAMAGED OR IMPROPERLY VEHICLES.
- HOURS OF OPERATION SHALL BE 24 HOURS/DAY.

## ZONING CASE #91-498-XA

- SPECIAL EXCEPTION TO PERMIT AUTOMOTIVE SERVICE STATION (GAS N' GO) IN A BL-CNS ZONE, SECTIONS 230.13 & 405.2.B.2.
- SPECIAL EXCEPTION TO PERMIT A CAR WASH AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.4.
- SPECIAL EXCEPTION TO PERMIT A FOOD STORE OF LESS THAN 5000 SF AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.8.
- SPECIAL EXCEPTION TO USE A SMALL PORTION OF THE SUBJECT PROPERTY (PARCEL "A") ZONED BL AS A CAR WASH (STACKING SPACES ONLY) ACCESSORY TO THE CAR WASH USE IN COMBINATION ON THE SAME SITE.
- VARIANCE FROM SECTION 405.4.B.2 TO ALLOW AN AUTOMOTIVE SERVICE STATION WITHOUT A 10' WIDE PLANTING STRIP ALONG THE REAR PROPERTY LINE ADJUTING A RESIDENTIAL ZONE AND ADJACENT TO THE PROPOSED AND REQUIRED FENCE SCREENING.
- VARIANCE FROM SECTIONS 413.2.f. & 405.4.B.4 TO PERMIT ONE (1) BUSINESS SIGN OF 200.3 SF IN LIEU OF THREE (3) SIGNS OF 100 SF AS PERMITTED.

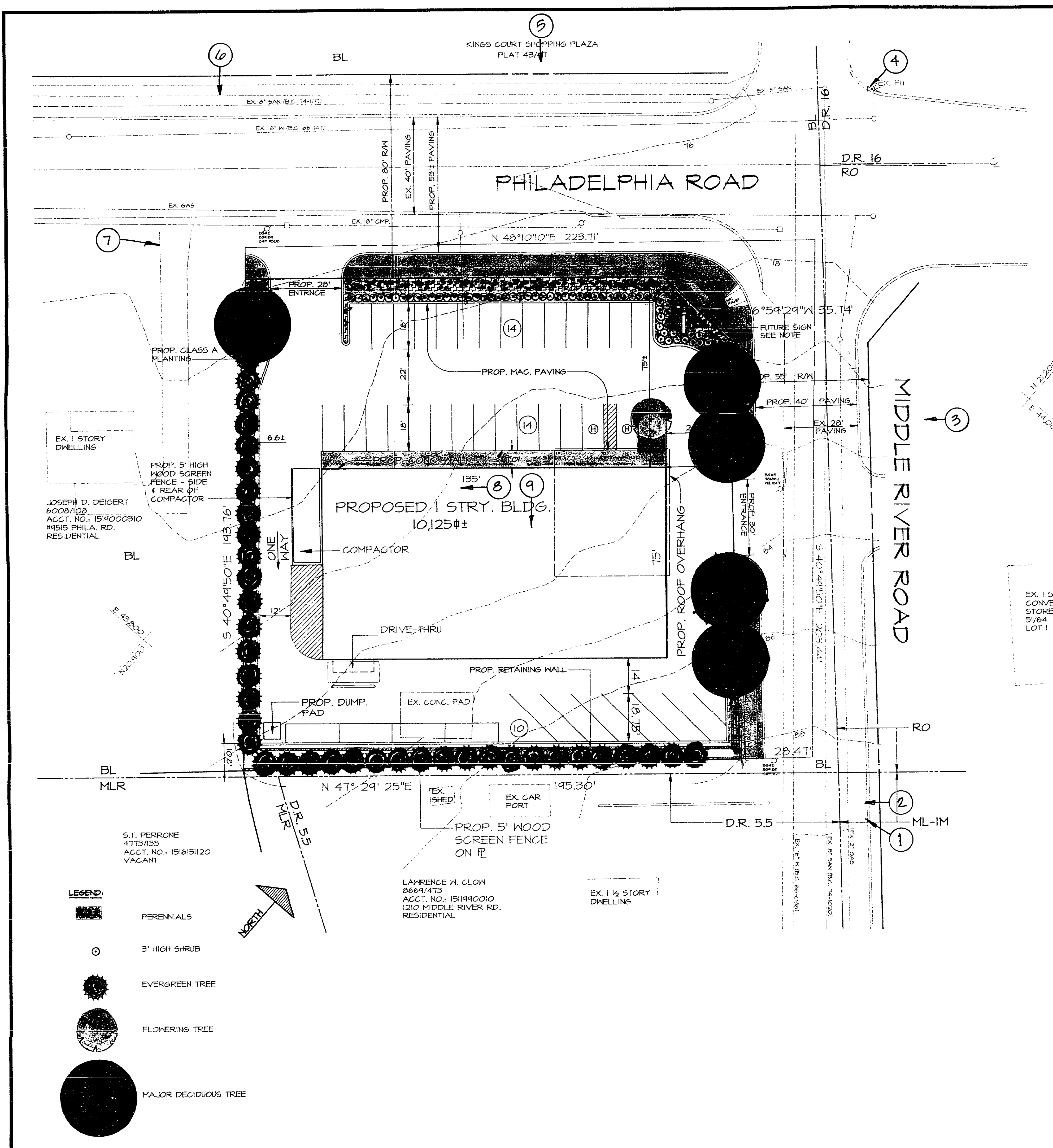
PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

AMOCO OIL COMPANY  
9519 PHILADELPHIA ROAD

WATERSHED: 6 SUBWATERSHED: 14  
COUNCILMANIC DISTRICT NO. 6 CENSUS TRACT 4513  
ELECTION DISTRICT NO. 15 CS  
BALTIMORE COUNTY, MD.

REVISIONS: 01/19/95 - TJH	SCALE: 1"=20' DATE: 6/14/91 JOB NO.: 125/01 DESIGNED: TJH DRAWN: J&J CHECKED: TJH DRAWING NUMBER: ZON-1 SHEET 1 OF 2
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**SITE DATA:**  
GROSS SITE AREA: 45,801±1.021 ACRES  
AREA IN HIGHWAY WIDENING: 4,239±0.212 ACRES  
NET SITE AREA: 36,568±0.834 ACRES

**PARKING CALCULATIONS:**  
REQUIRED:  
10,125 ÷ 5/1000 = 51 SPACES  
PROPOSED: = 38 SPACES  
INCLUDES 2 HANDICAPPED SPACES.

**F.A.R.:**  
MAXIMUM ALLOWED: = 3.00  
PROPOSED: 10,125/45,801 = 0.22

EXISTING ZONING: BL  
EXISTING USE: VACANT  
PROPOSED USE: PHARMACY

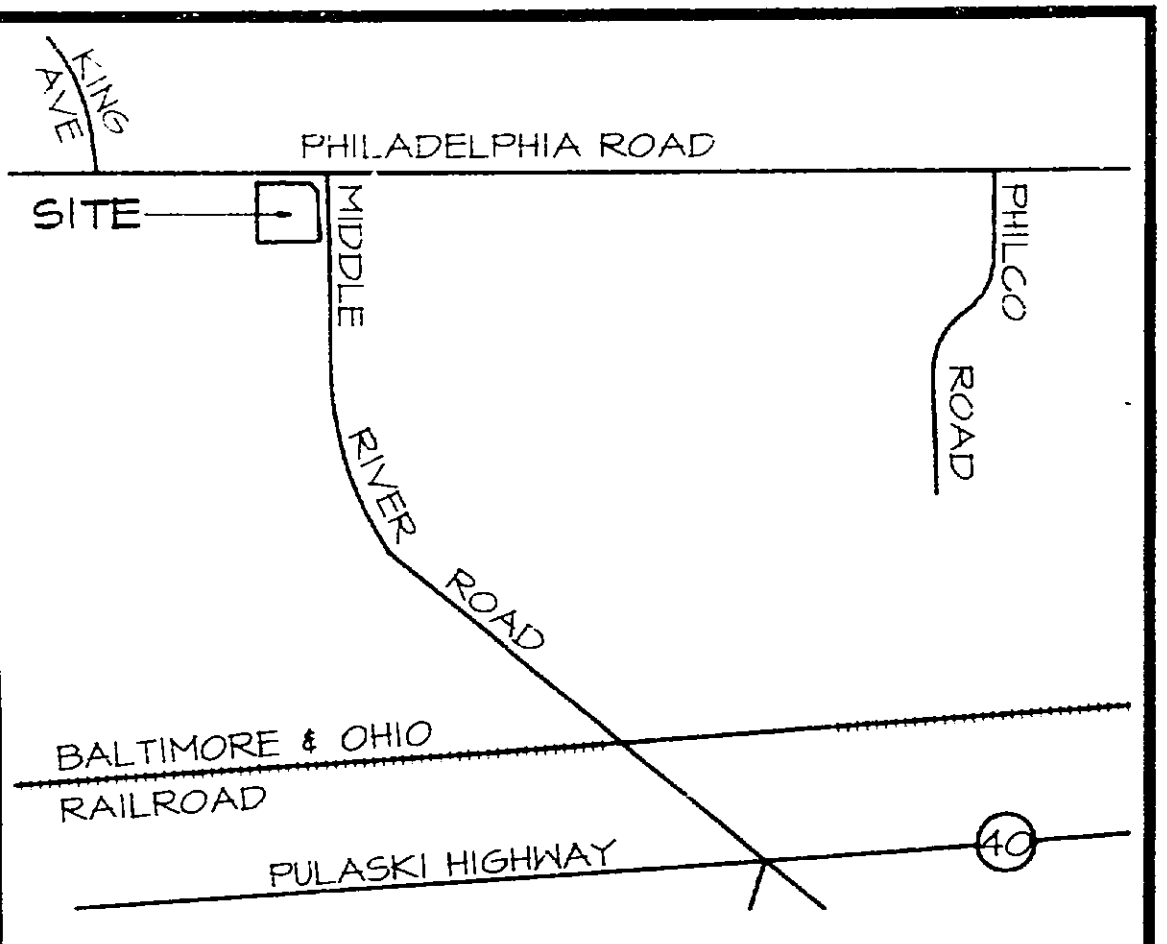
**LANDSCAPE REQUIREMENT:**  
LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.

**LIGHTING:**  
• LIGHT STANDARDS SHALL BE 8' HIGH WITHIN 80' OF RESIDENTIAL ZONE AND 10' HIGH BEYOND 80' OF RESIDENTIAL ZONE.  
• ON SITE LIGHTING SHALL BE SO ARRANGED AND SHIELDED AS TO CONFINED ALL DIRECT LIGHT RAYS ENTIRELY WITHIN THE BOUNDARY LINE OF THE SITE AND TO PREVENT REFLECTED LIGHT RAYS FROM SHINING OR GLARING ONTO ANY PORTION OF ANY ADJACENT MOTORWAY OR INTO THE PATH OF ONCOMING VEHICLES.

**SIGNAGE:**  
THERE ARE NO EXISTING FREE-STANDING SIGNS ON SITE AND THERE ARE NO PROPOSED FREE-STANDING SIGNS AT THIS TIME. HOWEVER, THE DEVELOPER RESERVES THE RIGHT TO INSTALL A FREE-STANDING SIGN IN THE FUTURE. THE DEVELOPER UNDERSTANDS THAT ANY FUTURE FREE-STANDING SIGN MUST COMPLY WITH SECTION 413.6 (BCZR). ALL ZONING SIGN POLICIES AND MUST BE ISSUED A PERMIT.

**NOTES:**  
1. NO PREVIOUS COMMERCIAL PERMIT FOR THE PAST 10 YEARS ON THIS SITE.  
2. ALL STANDARD PARKING SPACES SHALL BE 8.5'x18'. STACKING SPACES SHALL BE 8.5'x20'. ALL PARKING, LOADING, MANEUVERING AND AISLE AREA SHALL BE PAVED WITH A DURABLE AND DUSTLESS SURFACE OF BITUMINOUS CONCRETE AND SPACES ARE TO PERMANENTLY STRIPED.

**VARIANCES REQUESTED:**  
ATTACHMENT TO PETITION FOR VARIANCE - 9515 PHILADELPHIA ROAD  
1. 409.6A2 TO ALLOW A DRUG STORE WITH 38 PARKING SPACES IN LIEU OF THE REQUIRED 51 SPACES.  
2. 409.8A1 AND SECTION IX.C.2.b (3) OF THE LANDSCAPE MANUAL TO ALLOW A COMMERCIAL USE WITH A PLANTING STRIP ALONG THE REAR PROPERTY LINE ABUTTING A RESIDENTIAL ZONE WITH A VARIABLE WIDTH OF 1.2' TO 10.8' IN LIEU OF THE REQUIRED 10', AND A SIDE PROPERTY LINE ABUTTING A RESIDENTIAL USE IN A COMMERCIAL ZONE WITH A 6.6' WIDE PLANTING STRIP IN LIEU OF THE REQUIRED 10'.  
3. 409.8A4 TO ALLOW PARKING SPACES IN A SURFACE PARKING FACILITY FOR A NON-RESIDENTIAL USE THAT ARE 5' FROM THE RIGHT OF WAY LINE IN LIEU OF THE REQUIRED 10'.



**VICINITY MAP**  
SCALE: 1"=600'

**CRG HISTORY:**  
PLANNING CRG NO. XV-548  
PUB. SER. CRG NO.: 91-073  
APPROVED ON 8/13/92 AND 4/22/93 FOR AN AUTO-SERVICE STATION.

**ZONING HISTORY:**  
THIS SITE IS LOCATED ON ZONING MAP N.E. 6-4, BALTIMORE COUNTY.  
**CASE NO. 61**  
RECLASSIFICATION FROM A RESIDENTIAL USE AREA TO A COMMERCIAL USE AREA FOR SIX TOURIST CABINS.  
ORDER GRANTED MAY 27, 1940.

**CASE NO. 91-440-XA:**  
• SPECIAL EXCEPTION TO PERMIT AUTOMOTIVE SERVICE STATION (GAS N° 60) IN A BL-CNS ZONE, SECTIONS 230.13 & 405.2.B.2.  
• SPECIAL EXCEPTION TO PERMIT A CAR WASH AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.4.  
• SPECIAL EXCEPTION TO PERMIT A FOOD STORE OF LESS THAN 5000 SF AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.8.  
• SPECIAL EXCEPTION TO USE A SMALL PORTION OF THE SUBJECT PROPERTY (PARCEL "A") ZONED BL AS A CAR WASH (STACKING SPACES ONLY) ACCESSORY TO THE CAR WASH USE IN COMBINATION ON THE SAME SITE.  
• VARIANCE FROM SECTION 405.4.B.2 TO ALLOW AN AUTOMOTIVE SERVICE STATION WITHOUT A 10' WIDE PLANTING STRIP ALONG THE REAR PROPERTY LINE ABUTTING A RESIDENTIAL ZONE AND ADJACENT TO THE PROPOSED AND REQUIRED FENCE SCREENING.  
• VARIANCE FROM SECTION 413.2.F & 405.4.B.4 TO PERMIT ONE (1) BUSINESS SIGN OF 200.3 SF IN LIEU OF THREE (3) SIGNS OF 100 SF AS PERMITTED.  
ORDER WAS DENIED, 13/9/91.

**CASE NO. 91-440-XA:**  
SPECIAL EXCEPTION GRANTED BY BOARD OF APPEALS ON 5/2/92, AND AFFIRMED BY CIRCUIT COURT FOR BALTIMORE COUNTY ON 4/12/93 (CASE NO. 92CV5384). VARIANCES WERE FINALLY GRANTED BY BOARD OF APPEALS ON REMAND FROM CIRCUIT COURT, BY SUPPLEMENTAL OPINION AND ORDER DATED 7/22/93, AND CLARIFICATION OF SUPPLEMENTAL OPINION DATED 8/20/93.


**CASE NO. 95-353-5PH:**  
PETITION FOR SPECIAL HEARING SEEKING APPROVAL OF AN EXTENSION OF TIME IN WHICH TO UTILIZE THE SPECIAL EXCEPTION GRANTED IN PRIOR CASE NO. 91-440-XA, GRANTED MAY 22, 1995.

**PLAT TO ACCOMPANY  
PETITION FOR VARIANCES**

**CVS/pharmacy**  
9519 PHILADELPHIA ROAD

PDM #XV-548  
TAX MAP 82, PARCEL 160, GRID 21  
CENSUS TRACT: 4513  
WATERSHED: 6  
ELECTION DISTRICT 15 C5  
BALTIMORE COUNTY, MD

SUBSEWERSED: 14  
COUNCILMANIC 6

 <b>THOMAS J. HOFF, INC.</b>  Land Development Consultants and Landscape Architects  1717 York Rd., Suite 18 Lutherville, Md. 21093 410-628-9225 FAX: 628-9229	REVISIONS: 17/91, SLV.	SCALE: 1"=20'
	DATE: 5/14/97 JOB NO.: 125-01 DESIGNED: T.J.H. DRAWN: SLV CHECKED: DRAWING NUMBER: <b>SP-1</b>	
SHEET OF		E:\DRAWINGS\125.DWG

**PETITIONER'S  
CITY CLERK No 2**

# PETITION PROBLEMS

#395 --- MJK

Sign form incomplete/incorrect

#396 --- MJK

1. Sign form incomplete/incorrect.

#397 --- MJK

1. Sign form incomplete/incorrect.

#401 --- JRA

1. NO sign form in folder.  
2. Incomplete description on folder.

#402 --- JRA

1. NO sign form in folder.  
2. Notary section is incorrect/incomplete.  
3. No review information on bottom of petition form.  
4. Not marked as flood zone on folder.

#408--- JCM

1. No telephone number for legal owner.  
2. Two copies of sign form in folder - why?

3/26/97

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
cor. S/S Philadelphia Rd., SW/S \* ZONING COMMISSIONER  
of Middle River Road \*  
9519 Philadelphia Road \* OF BALTIMORE COUNTY  
15th Election District \*  
7th Councilmanic District \* Case No. 97-395-A  
Legal Owner: Stanley E. Lloyd \*  
Lessee: Philadelphia Rd., CVS, Inc. \*  
Petitioners

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an Amended Petition for Variance for the property located at 9519 Philadelphia Road in eastern Baltimore County. The Petition was filed by Stanley E. Lloyd, property owner, and Philadelphia Road, CVS, Inc., Lessee. As amended, the Petition seeks variance relief as follows:

- From Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to allow a drug store with 48 parking spaces in lieu of the required 51 spaces; and
- From Section 409.8.A.1 of the BCZR and Sec. IX.C.2b(3) of the Landscape Manual to allow a commercial use with a planting strip along the rear property line abutting a residential zone with a variable width of 7.2 ft. to 10.8 ft. in lieu of the required 10 ft.; and a side property line abutting a residential use in a commercial zone with a 6.6 ft. wide planting strip in lieu of the required 10 ft.; and
- From Section 409.8.A.4 of the BCZR to allow parking spaces in a surface parking facility for a non residential use that are 5 ft. from a right of way line in lieu of the required 10 ft.

All of the subject relief and requested variances are more particularly shown on the Amended Plat to accompany the Petition for Variance marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case were William H. Knott and Daniel C. Venable on behalf of the Petitioners. Also present was Thomas J. Hoff, a landscape architect who prepared the site plan. The Petitioners were represented by Anthony J. DiPaula, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is roughly rectangular in shape, approximately .839 net acres in area, zoned B.L. The property is located at the corner of the intersection of Philadelphia Road and Middle River Road in eastern Baltimore County. Presently, the lot is unimproved, however, the Petitioners propose constructing a single story 10,125 sq. ft. CVS Pharmacy Store. Testimony and evidence presented that the store will be a full service pharmacy, which will feature the sale of medicines, limited household goods, seasonal items and similar products. It was indicated that the proposed sized store is the minimum necessary to feasibly develop the site for such a use. In addition to the proposed pharmacy, a parking area will be constructed featuring 28 spaces in the front and 10 employee spaces in the rear. A drive-thru aisle and window is also proposed, all as more particularly shown on the site plan.

The site also enjoys a lengthy zoning history. In case No. 91-498-XA, a special exception for an automobile service center and associated variance relief was granted by the County Board of Appeals in 1992 and later affirmed by the Circuit Court in 1993. Subsequently, an extension of time in which the utilization of the special exception was permitted was approved in May of 1995. Notwithstanding the approval, however, the automobile service center and related retail component were never constructed. Rather, that project was abandoned and ultimately the property owner consummated a lease with Philadelphia Road CVS, Inc.

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW  
614 BOSLEY AVENUE  
TOWSON, MARYLAND 21204  
AREA CODE 410  
828-9441

EDWARD C. COVAHEY, JR.  
F. VERNON BOOZER \*  
MARK S. DEVAN  
ANTHONY J. DIPAULA \*  
THOMAS P. DORE  
ROGER J. SULLIVAN  
\* ALSO ADMITTED TO D.C. BAR

May 14, 1997

## HAND DELIVERY

Mitch Kellman  
Baltimore County Department  
of Development Management  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: CASE NO. 97-395-A  
CVS PHARMACY  
9519 PHILADELPHIA ROAD

Dear Mitch:

As we discussed, this case was set for hearing on May 7, but was postponed at the Petitioner's request to address concerns and revisions requested by Planning. The site plan as well as the relief requested have been amended and are hereby filed with you along with a check for \$100.00.

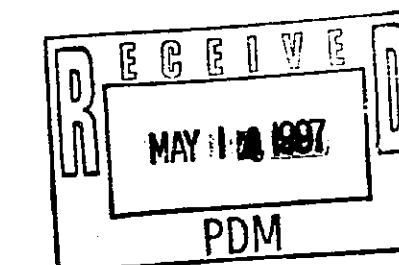
Please have Gwen Stephens call me to schedule the new date. Thanks.

Very truly yours,

Anthony J. DiPaula

AJD/ds  
5 ds.90  
enclosures

cc: William Knott  
Thomas Hoff



#395  
97-395-A  
(revision)

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW  
614 BOSLEY AVENUE  
TOWSON, MARYLAND 21204  
AREA CODE 410  
828-9441

EDWARD C. COVAHEY, JR.  
F. VERNON BOOZER \*  
MARK S. DEVAN  
ANTHONY J. DIPAULA \*  
THOMAS P. DORE  
ROGER J. SULLIVAN  
\* ALSO ADMITTED TO D.C. BAR

July 22, 1997

## HAND DELIVERY

Lawrence E. Schmidt, Zoning Commissioner  
for Baltimore County  
County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
9519 PHILADELPHIA ROAD  
CVS PHARMACY, INC., PETITIONER  
CASE NO.: 97-395-A

Dear Mr. Schmidt:

Thank you for your decision in the above referenced dated July 13, 1997 and granting the variances for the proposed CVS Pharmacy. If I may impose upon you, however, for some minor corrections, it would be greatly appreciated. Admittedly the file became somewhat confusing in that there was an Amended Petition filed with an Amended Site Plan, and the requests for relief changed between the two.

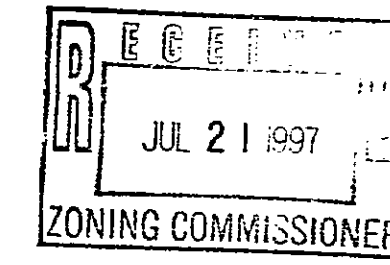
The relief requested is correctly described within the body of your Findings on the top of Page 3, with respect to parking, however on Page 1, No. 1, the number of spaces requested and required is incorrect, as is, more importantly, those same numbers on the bottom of Page 4 wherein you are ordering the variance for parking to be granted. The correct numbers are 38 to be provided versus 51 required, in both instances. I have attached a marked up copy of the Findings of Fact and Conclusions of Law to illustrate the three (3) areas of the Opinion which are addressed herein.

Could you please amend your decision? Upon receipt thereof, CVS will move promptly and begin the permit process. Thank you.

Very truly yours,

Anthony J. DiPaula

AJD/ds  
7 ds.125  
enclosures  
cc: Thomas Hoff (with enclosure)



In addition to the above discussion of the proposed variances, a comment is appropriate regarding the drive-thru operation. Testimony and evidence presented was that the number of vehicles served by the drive-thru facility will be limited, when compared with similar facilities. That is, the drive-thru facility will generate significantly less traffic than drive-thru facilities at a restaurant, car wash or bank, for example. It is envisioned that customers will either drop off prescriptions or pick-up medicines at the drive-thru facility but not shop for other merchandise through the drive-thru facility. Based upon the testimony and evidence presented, I am persuaded that the drive-thru aisle arrangement is appropriate for this property. An examination of the site plan is dispositive that sufficient room exists to accommodate vehicles waiting for drive-thru service. Thus, the plan shall also be approved in this respect.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of July 1997 that a variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to allow a drug store with 38 parking spaces in lieu of the required 51 spaces, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.1 of the BCZR and Sec. IX.C.2b(3) of the Landscape Manual to allow a commercial use with a planting strip along the rear property line abutting a residential zone with a variable width of 7.2 ft. to 10.8 ft., in lieu of the required 10 ft.; and a side property line abutting a residential use in a commercial zone with a 6.6 ft. wide planting strip in lieu of the required 10 ft.; and



Lawrence W. Clow \* In the  
People's Counsel \* Circuit Court  
Appellants \* for  
v. \* Baltimore County  
Amoco Oil Company \* Case No. 92 CV 5341  
Appellee \*

OPINION AND ORDER

OPINION

This case is before this Court on appeals by both Lawrence W. Clow and the People's Counsel of the decision of the County Board of Appeals, which reversed the decision of the Zoning Commissioner.

Petitioner Amoco Oil, petitioned for special exceptions for an automotive service station, which included a convenience store and self service car wash, in a commercial zone located at the southeast corner of Philadelphia and Middle River Roads in Baltimore County, Maryland. Petitioner also sought two (2) variances: one for additional footage for its sign, and one for relief from the requirement of a ten (10) foot wide planting strip on the rear of the property line abutting a residential zone. The Zoning Commissioner denied the requested special exceptions, which rendered the variance requests moot.

Amoco Oil appealed this decision to the County Board of Appeals, which heard the case de novo. After hearing all the testimony, the Board rendered its opinion and order, which reversed the decision of the Zoning Commissioner, in that it:

- 1) Granted the special exceptions to allow the service station with the accompanying convenience store and car wash; and
- 2) Granted the variances for the planting strip and sign.

Lawrence Clow and the People's Counsel appealed the Board's decision to this Court. This Court must now decide:

- 1) Whether the County Board of Appeals erred in failing to make proper findings;
- 2) Whether the County Board of Appeals erred in failing to consider the Master Plan?
- 3) Whether the County Board of Appeals' decision was arbitrary and capricious in that it was not supported by the evidence?
- 4) Whether the County Board of Appeals erred in failing to follow regulatory requirements to determine reasonable public need?
- 5) Whether the County Board of Appeals' decision was based on an error of law in construing the standard for the granting of the special exceptions?
- 6) Whether the County Board of Appeals erred in failing to apply the legal requirements to qualify for a variance?

As to issue number one, the Board stated, "From the testimony and evidence, the Board will find as a fact that all the requirements of Section 502.1 of the BCZR have been met, and that Sections 230.13 and 405 have also been complied with." This meant that the Board found that each and every part of §§ 502.1, 230.13 and 405 of the Baltimore County Zoning Regulations have been met. This statement by

the Board satisfies this Court that in all aspects, the Board met its obligation in addressing the issues as to the special exception requested.

As to the second issue, the Board did not err in failing to consider the Master Plan. As both the People's Counsel and Amoco Oil point out, the Master Plan is not mandatory, but instead is only advisory. People's Counsel v. Webster, 65 Md. App. 694, 701-3 (1986). Furthermore, when the board took the Master Plan under advisement, it was not required to specifically discuss it in its opinion; instead, it was just one of many factors for the board to consider and weigh in making its decision.

The next argument that the appellants make is that the Board's decision was not supported by the evidence. This is incorrect. L. Rodney Compton, testifying for Amoco Oil, stated that there were no service stations on Route 7 from Golden Ring Road to the Harford County Line, a distance of over ten (10) miles. Furthermore, Dennis Wirtz, a senior planner from the Baltimore County Planning Office stated on cross examination that there were no service stations within the corridor study area, which encompassed approximately four and a half (4.5) miles of Philadelphia Road.

In addition to being substantial evidence from which the Board could grant the special exceptions, this was also evidence of reasonable public need, because there were no service stations on Philadelphia Road for this ten (10) mile span, and thus, both commuters and residents had to detour to Pulaski Highway to obtain the very automobile services that petitioner is proposing to offer. Furthermore, Mr. Compton testified that over 30,000 cars passed by

the proposed site daily. Thus, the area is heavily travelled and automotive services are likely to be needed by the public in this immediate area.

As to appellants' arguments that the Board's decision was based on an error because it compared the past use of the property to the proposed future use, this is over exaggerated. The Board did not in any great length compare these two uses. Instead, the Board simply noted that as a tavern, there were complaints about the patrons' behavior and noise, debris, and parking problems that would not be present if the property was used for the proposed service station. This was not meant as the Board's basis for its decision, but instead was a side comment.

As to the last issue concerning the variances, the Board states in its opinion upon review of the evidence before it, that Charles Bogdanowicz, Amoco Oil's project manager and engineer, testified that "the variance requested for the 200.3 square foot sign was a standard Amoco sign and that it needed this much area to be in conformity with the pricing requirements under State regulations." Opinion, p.2.

The Board further states in its opinion that Thomas Hoff, a landscape expert who did a feasibility study of the site, testified that "the zoning manual on gas stations requires that a six (6) foot ornamental Board-on-Board fence be erected on the property line to screen adjacent areas." Opinion, p.2.

The board then concludes, "In conjunction with the granting of the special exceptions for the gas and go service station, the variances required in order to obtain a conformity to Petitioner's Exhibit No. 1 will also be granted." However, the Board failed to

make any findings of fact of any sort as relating to the requested variances. Then at the end of the findings as to the special exceptions, the Board just tacks it on as if the granting of one means the granting of all. This is an error on behalf of the Board that must be corrected.

Thus, this case will be affirmed as to the County Board of Appeals' decision on the special exceptions, and reversed and remanded on the variance issues, in order that the Board can make specific findings of fact to support its conclusion.

ORDER

It is this 12<sup>th</sup> day of April, 1993, hereby ORDERED that the decision of the County Board of Appeals be AFFIRMED as to the special exception and REVERSED and REMANDED as to the variance request, for findings consistent with this opinion.

*Alfred L. Brennan, Sr.*  
Alfred L. Brennan, Sr.

cc: Anthony DiPaula  
Michael Tanczyn  
Peter Zimmerman



County Board of Appeals of Baltimore County  
OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

July 22, 1993

Anthony J. DiPaula, Esquire  
COVAHEY & BOOZER, P.A.  
614 Bosley Avenue  
Towson, MD 21204

RE: Case No. 91-498-XA  
Circuit Court Case No. 92-CV-5341  
Amoco Oil Company

Dear Mr. DiPaula:

Enclosed please find a copy of the Supplemental Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter, pursuant to the Remand Order of the Circuit Court.

Sincerely,

*Kathleen C. Weidenhammer*  
Kathleen C. Weidenhammer  
Administrative Assistant

encl

cc: Charles T. Bogdanowicz  
Michael P. Tanczyn, Esquire  
Lawrence W. Clow  
Stanley Lloyd  
Thomas J. Hoff  
Nicholas Commodari  
L. Rodney Compton  
Gloria J. Turner  
Jan Walter  
Hunter E. Bush  
Marie Simoes  
Ed Kormanis  
Chad Kormanis  
P. David Fields  
People's Counsel for Baltimore County

Honorable Alfred L. Brennan, Sr.  
Copy / Circuit Ct File 92-CV-5341  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

IN THE MATTER OF THE APPLICATION \* ON REMAND FROM THE  
OF AMOCO OIL COMPANY FOR A \* CIRCUIT COURT  
SPECIAL EXCEPTION AND VARIANCE \*  
ON PROPERTY LOCATED ON THE \*  
SOUTHEAST CORNER OF PHILADELPHIA \*  
ROAD AND MIDDLE RIVER ROAD \* FOR  
(9519 PHILADELPHIA ROAD) \* BALTIMORE COUNTY  
15TH ELECTION DISTRICT \* CG Doc. No. 24  
5TH COUNCILMANIC DISTRICT \*  
LAWRENCE W. CLOW, PLAINTIFF \* Folio No. 252  
\* File No. 92-CV-5341

ZONING CASE NO. 91-498-XA  
SUPPLEMENTAL OPINION PURSUANT TO REMAND ORDER  
OF THE CIRCUIT COURT DATED APRIL 12, 1993

This case comes before this Board on a Remand Order from the Circuit Court for Baltimore County specifically designating that the Board's Opinion and Order address the variances associated with this case.

The first variance seeks relief in the area of the sign which contains 200.3 sq. ft. in lieu of three separate signs of 100 sq. ft. as permitted. Testimony from Charles Bogdanowicz was to the effect that the sign as requested is a standard Amoco sign in use in all their modern gas-and-go stations. He further testified that the State requires that all their gasoline product pricing be displayed on the sign. The Board is therefore of the opinion that to require anything other than the standard sign in use in all their stations would be an unreasonable hardship, and therefore the variance to permit this sign properly installed with proper setbacks should be granted.

The second variance concerns the requirement that a 10-foot setback be provided between the fence and the internal area of the property. Zoning regulations require that a 6-foot board-on-board fence be installed on the property line to screen the station from

Case No. 91-498-XA /92-CV-5341 Amoco Oil Company /On Remand 2

the abutting properties. Testimony from Thomas Hoff, a landscape expert, was to the effect that if this variance was denied traffic flow would be impeded. He further stated that the proposed plantings testified to in this case were in excess of those required under Baltimore County regulations. From this testimony, the Board is convinced that the 10-foot setback be reduced to 5 feet on the western property line and reduced to 6 feet abutting the proposed carwash, and therefore this variance should be granted, and will so order. Accordingly, the Opinion and Order of the Board dated May 7, 1992 is supplemented as follows.

ORDER

ACCORDINGLY, IT IS this 22<sup>nd</sup> day of July, 1993 by the County Board of Appeals of Baltimore County ORDERED that the Opinion and Order of the Board dated May 7, 1992 be and is hereby SUPPLEMENTED as follows; and it is

THEREFORE ORDERED that the requested variance for a sign which contains 200.3 sq. ft. in lieu of three separate signs of 100 sq. ft. as permitted be and is hereby GRANTED; and it is further ORDERED that the requested variances for a 5-foot setback on the western property line and a 6-foot setback abutting the proposed carwash, as shown on Petitioner's Exhibit 2, be and are hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

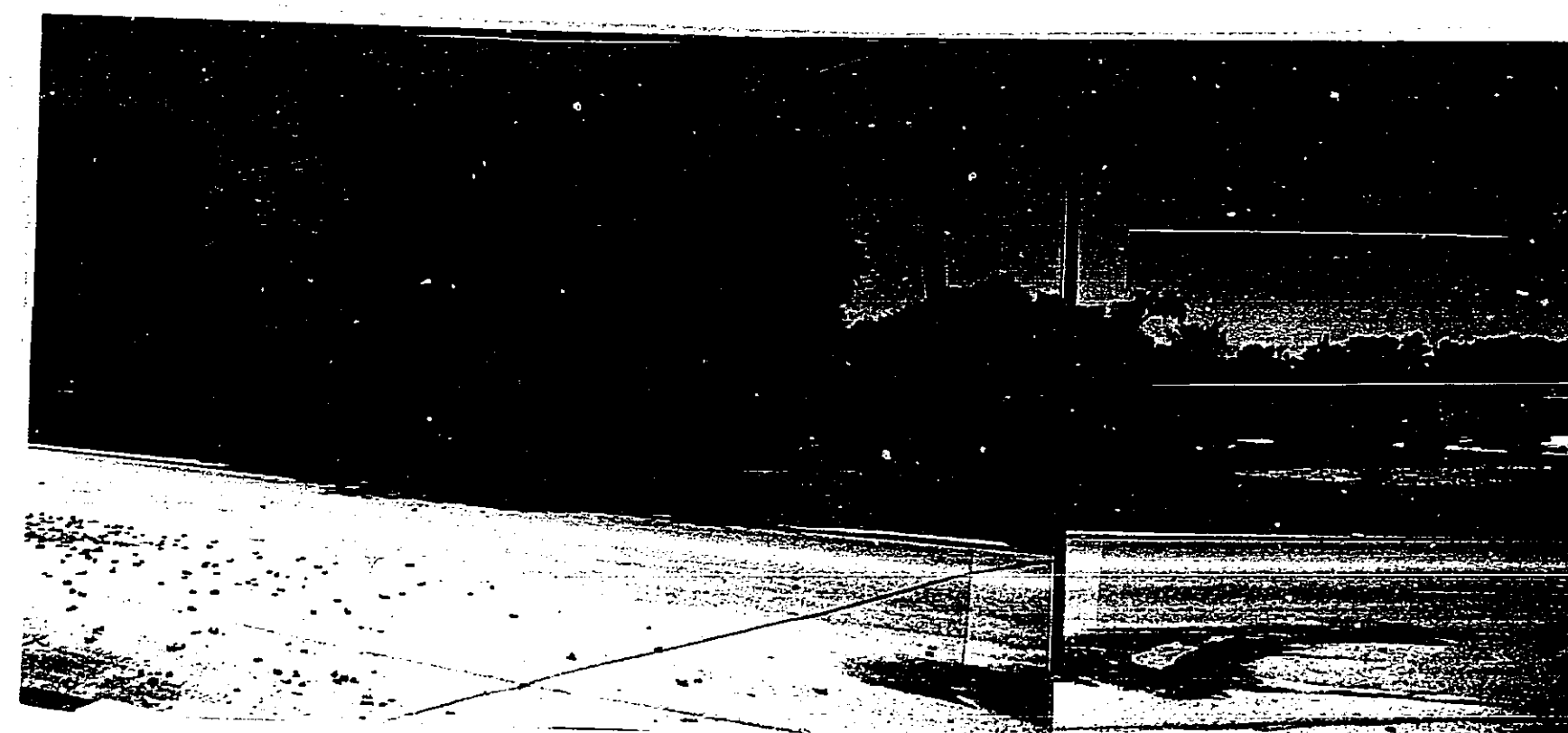
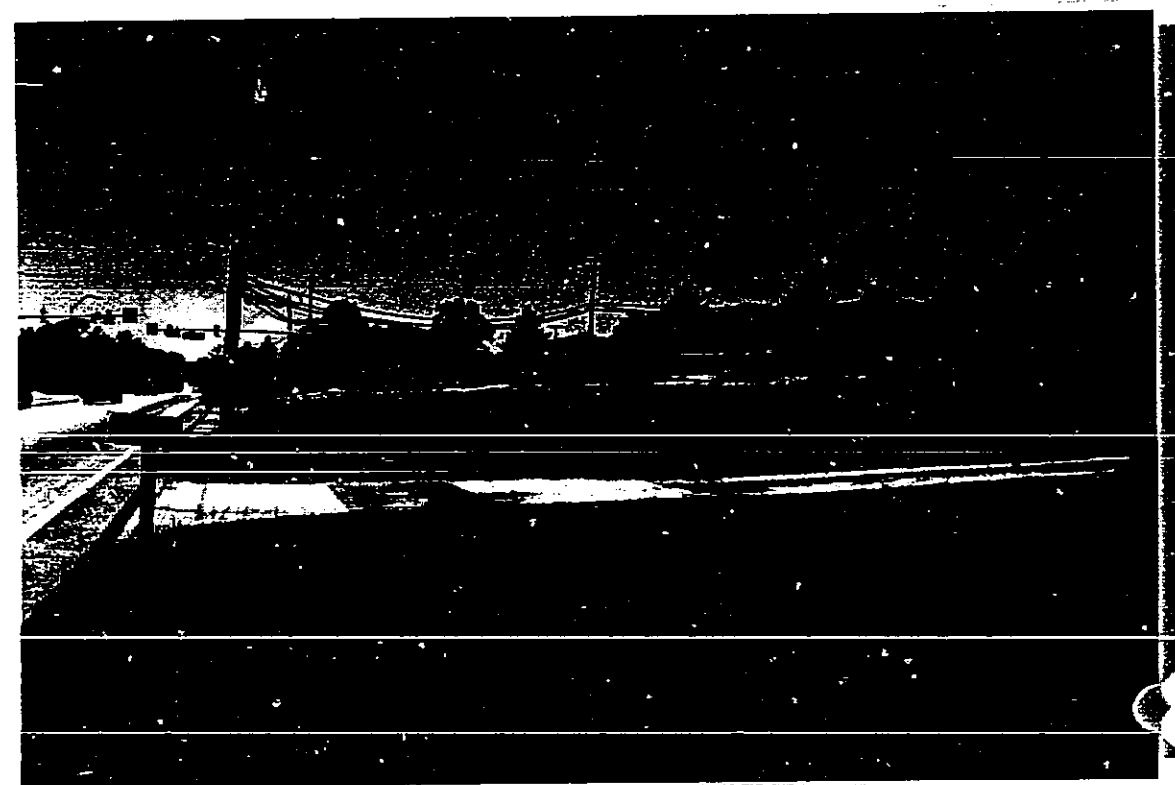
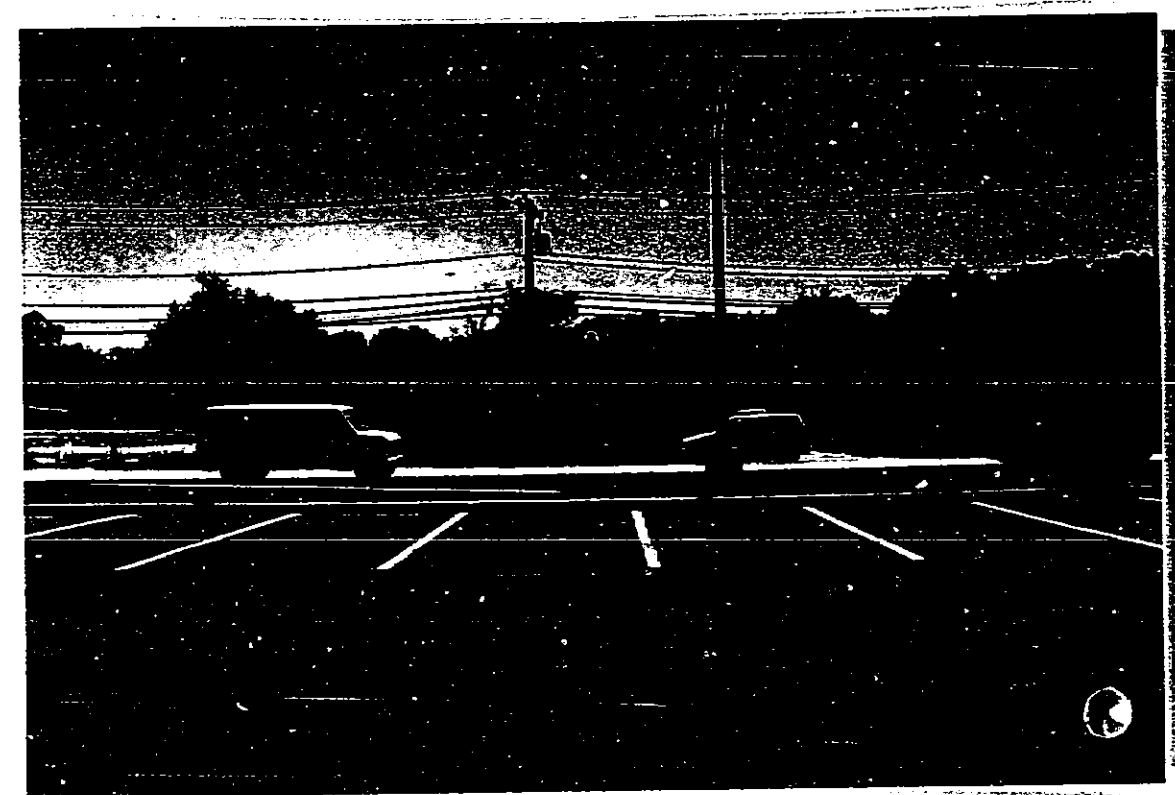
*William T. Hackett*  
William T. Hackett, Chairman

*S. Diane Levero*  
S. Diane Levero

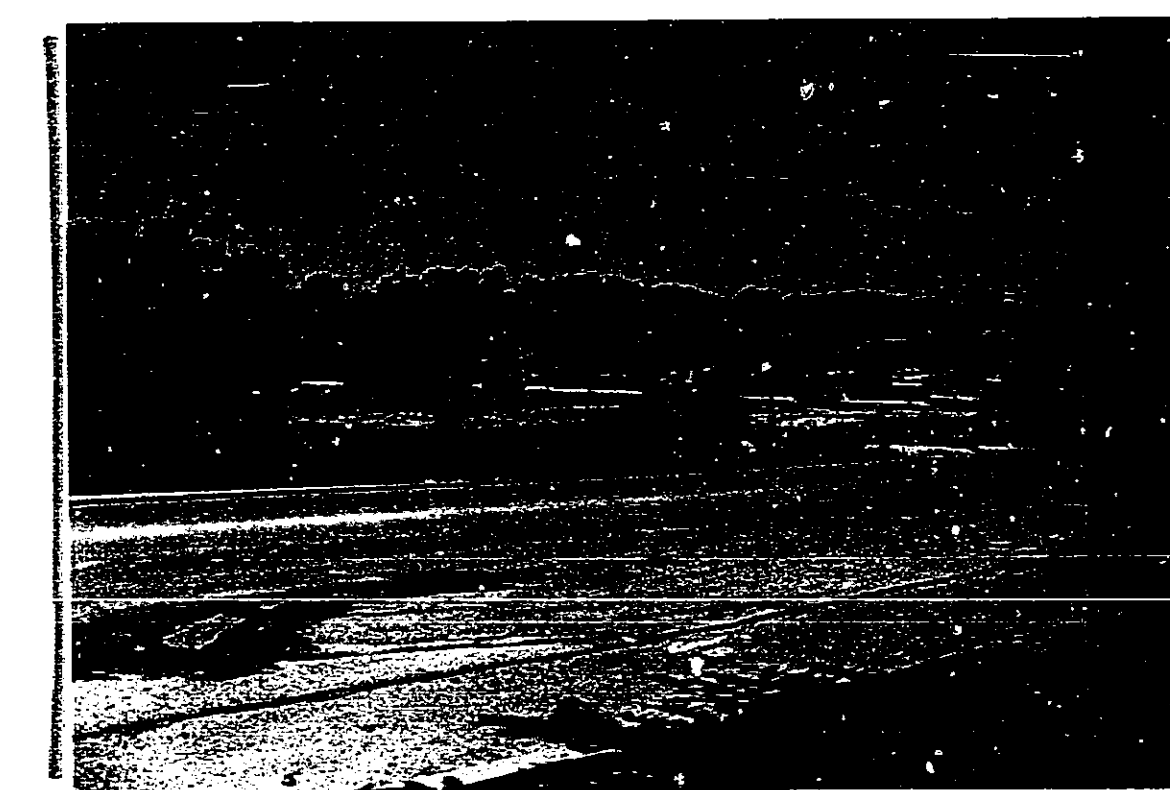
*Michael B. Sauer*  
Michael B. Sauer







Station No. 9





# ATTACHMENT TO PETITION FOR VARIANCE - 9515 PHILADELPHIA ROAD

- 409.6A2 to allow a drug store with 48 parking spaces in lieu of the required 50 spaces.
- 409.8A1 and §IXC.2b(3) of the Landscape Manual to allow a commercial use without a 10' wide planting strip along the rear property line abutting a residential zone; and without a 10' wide planting strip along the side property line abutting a residential use in a commercial zone.
- 413.2.F. to allow 1 other business sign of 95.2 square feet per side (190.4 square feet total) in lieu of 3 signs with a total area of 100 square feet as permitted.

3' ds. 51



## Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 9515 Philadelphia Road

This Petition shall be filed with the Department of Permits & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

PLEASE SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) With the governmental takings that have occurred, the site has become so reduced in size that variances are necessary. The topography of the land makes the variances also necessary. Other reasons to be assigned at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Owner/Developer Name:

Philadelphia Road-CVS, Inc.

By: *William H. Scott*  
Signature: *William H. Scott*, Auth. Rep.  
One CVS Drive

Address: Woonsocket R.I. 02895

Agent for Petitioner: Anthony J. DiPaula

Address: 2630 Greene Road 557-7000  
Baldwin, MD 21013

614 Bosley Avenue 828-9441  
Towson MD 21204

Who do solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Signature: *Stanley E. Lloyd*

Signature: *William R. Knott*

Address: 15 W. Aylesbury Road 308-0050

City: Pimlico, MD 21093

Phone No. (Area Code) \_\_\_\_\_

ESTIMATED LENGTH OF HEARING: \_\_\_\_\_

the following date: \_\_\_\_\_

ALL OTHER: \_\_\_\_\_

REVIEWED BY: *DATE 5/10/97*

# ATTACHMENT TO PETITION FOR VARIANCE - 9515 PHILADELPHIA ROAD

- 409.6A2 to allow a drug store with 38 parking spaces in lieu of the required 51 spaces.
- 409.8A1 and §IXC.2b(3) of the Landscape Manual to allow a commercial use with a planting strip along the rear property line abutting a residential zone with a variable width of 7.2' to 10.8' in lieu of the required 10'; and a side property line abutting a residential use in a commercial zone with a 6.6 wide planting strip in lieu of the required 10'.
- 409.8A4 to allow parking spaces in a surface parking facility for a non-residential use that are 5' from the right of way line in lieu of the required 10'.

5' ds. 3

THOMAS J. HOIT, INC.  
Landscape Architect and Land Development Consultant  
1717 YORK ROAD, SUITE 18  
LUTHERVILLE, MD. 21093  
410-628-9225  
FAX 410-628-9229

97-395-A

March 13, 1997

## Description of 9519 PHILADELPHIA RD, to Accompany Petition for Zoning Variances

BEGINNING FOR THE SAME at a point on the south side of Philadelphia Road (Maryland State Route 7, 80' R/W) at the southwest corner of the intersection of Philadelphia Road and Middle River Road, said point having the coordinate values of N 21,141.65, E 43,859.84.

Thence binding on the south side of said Philadelphia Road,  
(1) South 48 degrees 38 minutes 00 seconds West 164.31 feet;

thence leaving the south side of Philadelphia Road,  
(2) South 40 degrees 49' minutes 50 seconds East 193.76 feet;

(3) North 47 degrees 29 minutes 25 seconds East 195.30 feet;

to the west side of Middle River Road, thence binding on the west side of Middle River Road,  
(4) North 42 degrees 36 minutes 58 seconds West 164.90 feet;

(5) North 86 degrees 59 minutes 29 seconds West 35.74 feet; to the point of beginning containing 0.84 acres of land more or less.

Note:  
This Description has been prepared for zoning purposes only.

*[Signature]*

## CERTIFICATE OF PUBLICATION

TOWSON, MD., *April 10, 1997*

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on *April 10, 1997*

THE JEFFERSONIAN,

*A. Henrickson*

LEGAL AD. - TOWSON

## CERTIFICATE OF PUBLICATION

TOWSON, MD., *6/5, 1997*

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on *6/5, 1997*

THE JEFFERSONIAN,

*A. Henrickson*

LEGAL AD. - TOWSON

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, for the purpose of the Zoning Act and Regulations of Baltimore County will hold a public hearing in 2000 and 2001 on the property described herein as follows:

Case #97-395-A  
9519 Philadelphia Road  
corner 555 Philadelphia Road  
Towson, Baltimore County, Md.  
21204

Legal Owner(s):  
Philadelphia Road CVS, Inc.  
One CVS Drive  
Woonsocket, R.I. 02895

Agent for Petitioner:  
Anthony J. DiPaula  
2630 Greene Road  
Baldwin, MD 21013

614 Bosley Avenue  
Towson, MD 21204

Hearing: Wednesday, May 7, 1997 at 8:00 a.m., 4th floor hearing room, County Hall, 401 Bayview Avenue.

LAURENCE L. COVATY  
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are held on Wednesdays, 8:00 a.m. to 12:00 p.m. (2) For information concerning the hearing, please call (410) 387-3333.

4/10/97 10 01/00/97

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, for the purpose of the Zoning Act and Regulations of Baltimore County will hold a public hearing in 2000 and 2001 on the property described herein as follows:

Case #97-395-A  
9519 Philadelphia Road  
corner 555 Philadelphia Road  
Towson, Baltimore County, Md.  
21204

Legal Owner(s):  
Philadelphia Road CVS, Inc.  
One CVS Drive  
Woonsocket, R.I. 02895

Agent for Petitioner:  
Anthony J. DiPaula  
2630 Greene Road  
Baldwin, MD 21013

614 Bosley Avenue  
Towson, MD 21204

Hearing: Wednesday, May 7, 1997 at 8:00 a.m., 4th floor hearing room, County Hall, 401 Bayview Avenue.

LAURENCE L. COVATY  
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are held on Wednesdays, 8:00 a.m. to 12:00 p.m. (2) For information concerning the hearing, please call (410) 387-3333.

6/5/97 5 01/00/97

## BALTIMORE COUNTY, MARYLAND

OFFICE OF FIN. & REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: *5/14/97* ACCOUNT: *01-615*

By: *DMK* AMOUNT: *\$ 100.00*

FROM: *9519 Philadelphia Rd.*

RECEIVED: *F. Vernon Bazzler - 9519 Philadelphia Rd.*

FOR: *1104-RULES/ADVISORY - 9519 Philadelphia Rd. - \$100.00*

1104-RULES/ADVISORY - 9519 Philadelphia Rd. - \$100.00

1104-RULES/ADVISORY - 9519 Philadelphia Rd. - \$100.00

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1104-RULES/ADVISORY - 9519 Philadelphia Rd. - \$100.00

1104-RULES/ADVISORY - 9519 Philadelphia Rd. - \$100.00



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

## ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: *395*

Petitioner: *Philadelphia Road CVS, Inc.*

Location: *9519 Philadelphia Rd.*

PLEASE FORWARD ADVERTISING BILL TO:

NAME: *Anthony J. DiPaula*

ADDRESS: *614 Bosley Ave.*

Towson, Md 21204

PHONE NUMBER: *828-9444*

AJ:ggg

(Revised 09/24/96)



# CERTIFICATE OF POSTING

RE: Case No.: 97-395-A  
 Petitioner/Developer: STANLEY E. LLOYD & ANTHONY DIPOLA  
 1/6 PHILADELPHIA ROAD CVS, INC.  
 Date of Hearing/Closing: 5/7/97

Baltimore County Department of Permits and Development Management  
 County Office Building, Room 111  
 111 West Chesapeake Avenue  
 Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #9519 PHILADELPHIA ROAD

The sign(s) were posted on 4/12/97  
 (Month, Day, Year)

Sincerely,

*Patrick M. O'Keefe, SR. 4/15/97*  
 (Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366 Page (410) 646-8354

(Telephone Number)

Request for Zoning (Variance, Special Exception, or Special Hearing)

Date to be Posted: Anytime before but no later than

Format for Sign Printing, Black Letters on White Background:

## ZONING NOTICE

Case No.:

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE:

DATE AND TIME:

REQUEST: to permit 48 parking spaces in lieu of 50; to permit a commercial use without a 10' wide planting strip along the rear + side property lines abutting a residential zone; and to permit 1 other business sign of 190 sq ft in lieu of 3 signs of 100 sq ft each

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

996  
 post 4.00

TO: PUTNEY PUBLISHING COMPANY  
 April 10, 1997 Issue - Jeffersonian

Please forward billing to:

Anthony J. DiPaola, Esq.  
 Coveley & Booser, P.A.  
 614 Bosley Avenue  
 Towson, MD 21204  
 828-9441

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-395-A

9519 Philadelphia Road  
 corner S/S Philadelphia Road, SW/S Middle River Road  
 15th Election District - 5th Councilmanic  
 Legal Owner(s): Stanley E. Lloyd  
 Lessee: Philadelphia Road CVS, Inc.

Variance to allow a drug store with 48 parking spaces in lieu of the required 50 spaces; to allow a commercial use without a 10 foot wide planting strip along the rear property line abutting a residential zone and without a 10 foot wide planting strip along the side property line abutting a residential use in a commercial zone; and to allow 1 other business sign of 95.2 square feet per side (190.4 square feet total) in lieu of 3 signs with a total area of 100 square feet as permitted.

HEARING: WEDNESDAY, MAY 7, 1997 at 9:00 a.m., 4th floor hearing room, Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT  
 ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
 (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
 Department of Permits and  
 Development Management

Development Processing  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

April 7, 1997

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-395-A

9519 Philadelphia Road  
 corner S/S Philadelphia Road, SW/S Middle River Road  
 15th Election District - 5th Councilmanic  
 Legal Owner(s): Stanley E. Lloyd  
 Lessee: Philadelphia Road CVS, Inc.

Variance to allow a drug store with 48 parking spaces in lieu of the required 50 spaces; to allow a commercial use without a 10 foot wide planting strip along the rear property line abutting a residential zone and without a 10 foot wide planting strip along the side property line abutting a residential use in a commercial zone; and to allow 1 other business sign of 95.2 square feet per side (190.4 square feet total) in lieu of 3 signs with a total area of 100 square feet as permitted.

HEARING: WEDNESDAY, MAY 7, 1997 at 9:00 a.m., 4th floor hearing room, Courts Bldg., 401 Bosley Avenue.

Arnold Jablon  
 Director

cc: Stanley E. Lloyd  
 Philadelphia Road CVS, Inc.  
 Anthony DiPaola, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 22, 1997.  
 (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
 (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink  
 on Recycled Paper

COVAHEY & BOOZER, P.A.

ATTORNEYS AT LAW

614 BOSLEY AVENUE

TOWSON, MARYLAND 21204

AREA CODE 410

828-9441

FAX 410-823-7530

May 1, 1997

ANNEX OFFICE

SUITE 302

608 BALTIMORE AVE

TOWSON, MD 21204

EDWARD C. COVAHEY, JR.  
 F. VERNON BOOZER  
 MARK S. DEVAH  
 ANTHONY J. DIPOLA  
 THOMAS J. DORE  
 ROGER J. SULLIVAN

\* ALSO ADMITTED TO D.C. BAR

## HAND DELIVERY

Baltimore County Zoning Office  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204

ATTN: Gwen Stephens

RE: 9519 PHILADELPHIA ROAD - CVS PHARMACY  
 CASE NO.: 97-395-A  
 HEARING DATE: MAY 7, 1997

Dear Gwen:

Please treat this as a request for a continuance of the hearing scheduled for May 7, 1997 at 9:00 a.m. Having received unfavorable comments from the Planning Office, and after meetings with the Planning Department, there have been some substantial revisions to the Plan which also change the variance relief requested. We will be filing an Amended Plan with an Amended Petition within the next ten (10) days or so, along with the requisite fee for filing the Amended Plans which I believe is \$100.00.

Please advise if there is any problem continuing the hearing, and what if any action we should take with respect to the sign posting firm in order to notify the public that the hearing is to be continued. Thank you.

Very truly yours,

*Anthony J. DiPaola*

Anthony J. DiPaola

AJD/ds

5 ds.2

cc: Thomas J. Hoff (via facsimile & first class mail)  
 William H. Knott (via facsimile & first class mail)



Baltimore County  
 Department of Permits and  
 Development Management

Development Processing  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

May 5, 1997

Anthony J. DiPaola, Esquire  
 Coveley & Booser, P.A.  
 614 Bosley Avenue  
 Towson, MD 21204

RE: Case Number 97-395-A  
 Petitioner(s): Stanley E. Lloyd  
 Location: 9519 Philadelphia Road

Dear Mr. DiPaola:

The above matter, previously assigned to be heard on Wednesday, May 7, 1997 at 9:00 a.m. has been postponed per your request dated May 1, 1997. As indicated in your telephone conversation with Mr. Carl Richards today, you will be responsible for notifying all interested parties in this matter.

Please be advised that as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. Enclosed, you will find a listing of those vendors.

If the property has been posted with notice of the May 7th hearing date, then, as quickly as possible, a notice of postponement should be affixed to the sign(s). Then, upon notification of the new hearing date, such sign(s) must be changed to give notice of the new hearing date.

Very truly yours,

*Arnold Jablon*

Arnold Jablon

Director

scj

cc: Mr. Stanley E. Lloyd  
 Mr. William H. Knott

Printed with Soybean Ink  
 on Recycled Paper

TO: PUTNEY PUBLISHING COMPANY  
 June 5, 1997 Issue - Jeffersonian

Please forward billing to:

Anthony J. DiPaola, Esq.  
 Coveley & Booser, P.A.  
 614 Bosley Avenue  
 Towson, MD 21204  
 410-828-9441

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-395-A

9519 Philadelphia Road  
 corner S/S Philadelphia Road, SW/S Middle River Road  
 15th Election District - 5th Councilmanic  
 Legal Owner(s): Stanley E. Lloyd  
 Lessee: Philadelphia Road CVS, Inc.

Variance to allow a drug store with 38 parking spaces in lieu of the required 51 spaces; to allow a commercial use with a planting strip along the rear property line abutting a residential zone and a variable width of 7.2' to 10.8' in lieu of the required 10 ft.; and a side property line abutting a residential use in a commercial zone with a 6.6 ft. wide planting strip in lieu of the required 10 ft.; to allow parking spaces in a surface parking facility for a non-residential use that are 5 ft. from the right of way line in lieu of the required 10 feet.

HEARING: WEDNESDAY, JULY 2, 1997 at 9:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT  
 ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
 (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
 Department of Permits and  
 Development Management

Development Processing  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

May 30, 1997

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-395-A

9519 Philadelphia Road  
 corner S/S Philadelphia Road, SW/S Middle River Road  
 15th Election District - 5th Councilmanic  
 Legal Owner(s): Stanley E. Lloyd  
 Lessee: Philadelphia Road CVS, Inc.

Variance to allow a drug store with 38 parking spaces in lieu of the required 51 spaces; to allow a commercial use with a planting strip along the rear property line abutting a residential zone and a variable width of 7.2' to 10.8' in lieu of the required 10 ft.; and a side property line abutting a residential use in a commercial zone with a 6.6 ft. wide planting strip in lieu of the required 10 ft.; to allow parking spaces in a surface parking facility for a non-residential use that are 5 ft. from the right of way line in lieu of the required 10 feet.

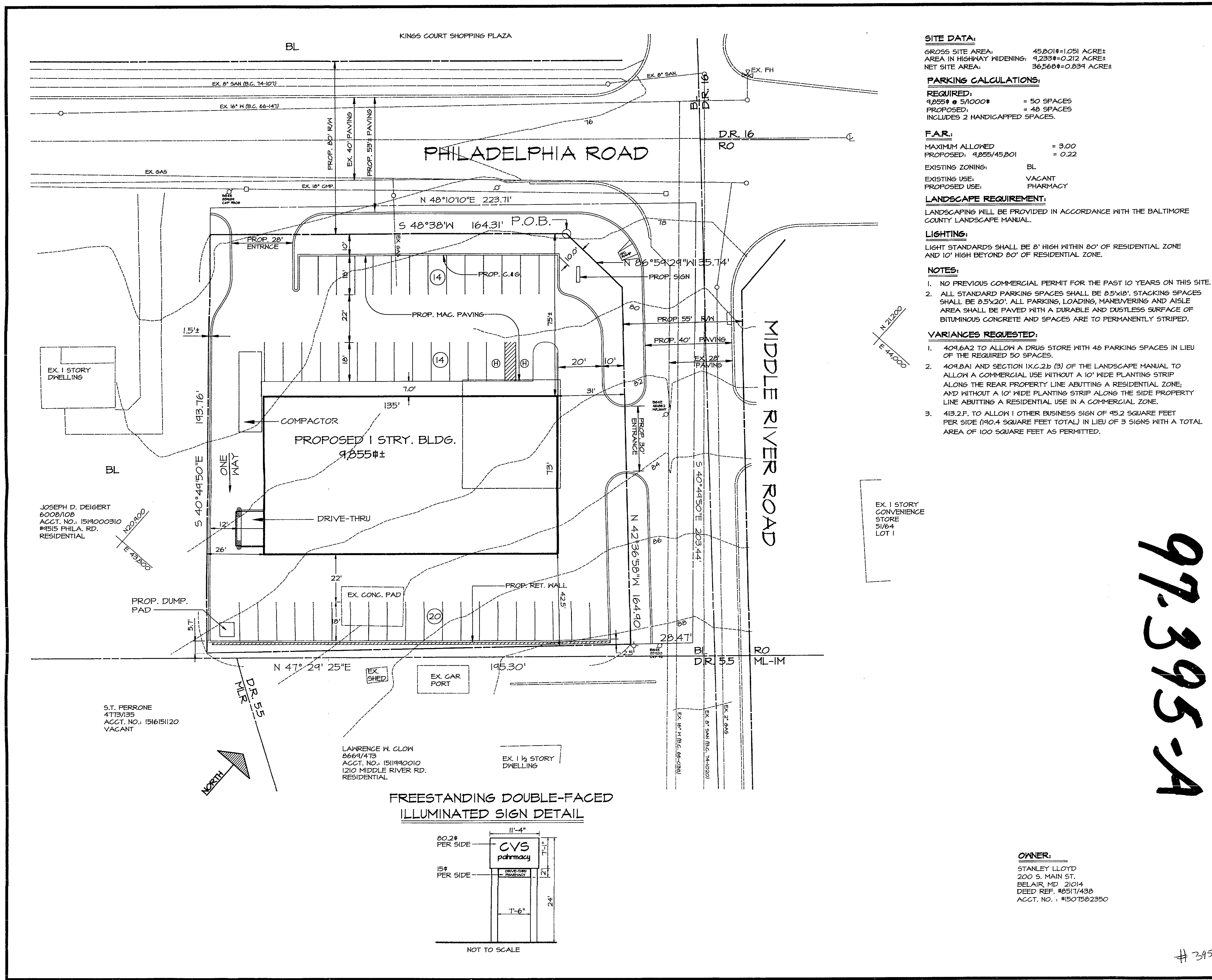
HEARING: WEDNESDAY, JULY 2, 1997 at 9:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

Arnold Jablon  
 Director

cc: Stanley E. Lloyd  
 Philadelphia Road CVS, Inc.  
 Anthony J. DiPaola, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 17, 1997.  
 (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
 (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink  
 on Recycled Paper



**SITE DATA:**  
GROSS SITE AREA: 45,801±=1.051 ACRES  
AREA IN HIGHWAY WIDENING: 4,233±=0.212 ACRES  
NET SITE AREA: 36,568±=0.834 ACRES

**PARKING CALCULATIONS:**  
**REQUIRED:**  
9855#1 51000± = 50 SPACES  
PROPOSED: = 48 SPACES  
INCLUDES 2 HANDICAPPED SPACES.

**F.A.R.:**  
MAXIMUM ALLOWED = 3.00  
PROPOSED: 9,855/45,801 = 0.22  
EXISTING ZONING: BL  
EXISTING USE: VACANT  
PROPOSED USE: PHARMACY

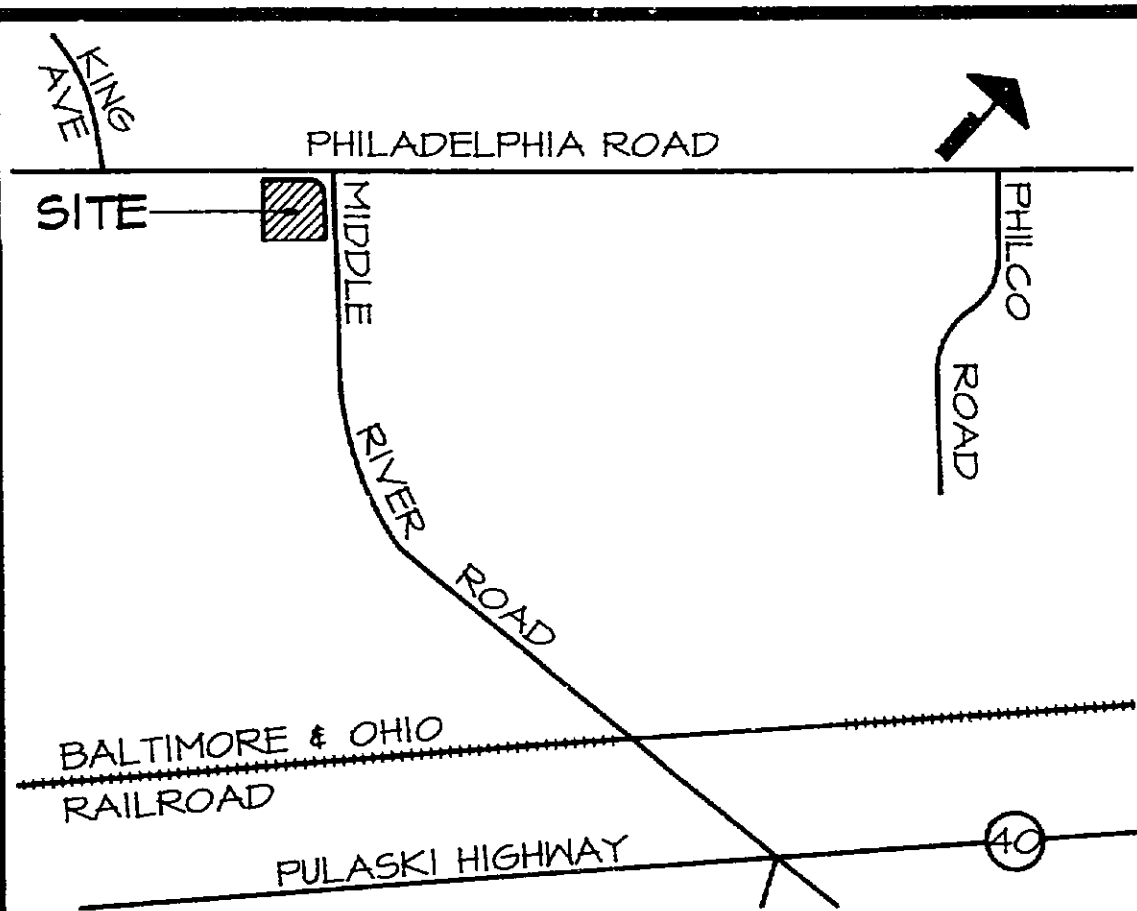
**LANDSCAPE REQUIREMENT:**  
LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.

**LIGHTING:**  
LIGHT STANDARDS SHALL BE 8' HIGH WITHIN 80' OF RESIDENTIAL ZONE AND 10' HIGH BEYOND 80' OF RESIDENTIAL ZONE.

**NOTES:**  
1. NO PREVIOUS COMMERCIAL PERMIT FOR THE PAST 10 YEARS ON THIS SITE.  
2. ALL STANDARD PARKING SPACES SHALL BE 8.5'x18'. STACKING SPACES SHALL BE 8.5'x20'. ALL PARKING, LOADING, MANEUVERING AND AISLE AREA SHALL BE PAVED WITH A DURABLE AND DUSTLESS SURFACE OF BITUMINOUS CONCRETE AND SPACES ARE TO PERMANENTLY STRIPED.

**VARIANCES REQUESTED:**  
1. 409.6A2 TO ALLOW A DRUG STORE WITH 48 PARKING SPACES IN LIEU OF THE REQUIRED 50 SPACES.  
2. 409.8A1 AND SECTION 1X.G.2.b (3) OF THE LANDSCAPE MANUAL TO ALLOW A COMMERCIAL USE WITHOUT A 10' WIDE PLANTING STRIP ALONG THE REAR PROPERTY LINE ABUTTING A RESIDENTIAL ZONE, AND WITHOUT A 10' WIDE PLANTING STRIP ALONG THE SIDE PROPERTY LINE ABUTTING A RESIDENTIAL USE IN A COMMERCIAL ZONE.  
3. 413.2.F. TO ALLOW 1 OTHER BUSINESS SIGN OF 95.2 SQUARE FEET PER SIDE (190.4 SQUARE FEET TOTAL) IN LIEU OF 3 SIGNS WITH A TOTAL AREA OF 100 SQUARE FEET AS PERMITTED.

**OWNER:**  
STANLEY LLOYD  
200 S. MAIN ST.  
BELAIR, MD 21014  
DEED REF: #20511/438  
ACCT. NO.: #1507582350



**VICINITY MAP**  
SCALE: 1"=600'

**CRG HISTORY:**  
PLANNING CRG NO. XV-548  
PUB. SER. CRG NO.: 91-073  
APPROVED ON 8/13/92 AND 4/22/93 FOR AN AUTO-SERVICE STATION.

**ZONING HISTORY:**  
THIS SITE IS LOCATED IN ZONING MAP N.E. 6-H, BALTIMORE COUNTY.  
CASE NO. 89  
RECLASSIFICATION FROM A RESIDENTIAL USE AREA TO A COMMERCIAL USE AREA FOR SIX TOURIST CABINS.  
ORDER GRANTED MAY 21, 1990.

**CASE NO. 91-448-XA:**  
SPECIAL EXCEPTION TO PERMIT AUTOMOTIVE SERVICE STATION (GAS & N 60) IN A BL-CNS ZONE, SECTIONS 230.13 & 405.2.B.2.  
SPECIAL EXCEPTION TO PERMIT A CAR WASH AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.4.  
SPECIAL EXCEPTION TO PERMIT A FOOD STORE OF LESS THAN 5000 SF AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.8.  
SPECIAL EXCEPTION TO USE A SMALL PORTION OF THE SUBJECT PROPERTY (PARCEL "A") ZONED BL AS A CAR WASH (STACKING SPACES ONLY) ACCESSORY TO THE CAR WASH USE IN COMBINATION ON THE SAME SITE.  
VARIANCE FROM SECTION 405.4.B.2 TO ALLOW AN AUTOMOTIVE SERVICE STATION WITHOUT A 10' WIDE PLANTING STRIP ALONG THE REAR PROPERTY LINE ABUTTING A RESIDENTIAL ZONE AND ADJACENT TO THE PROPOSED AND REQUIRED FENCE SCREENING.  
VARIANCE FROM SECTION 413.2.F.405.4.B.4 TO PERMIT ONE (1) BUSINESS SIGN OF 200.3 SF IN LIEU OF THREE (3) SIGNS OF 100 SF AS PERMITTED.  
ORDER WAS DENIED, 12/4/91.


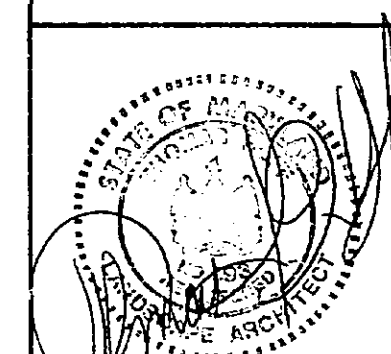
**CASE NO. 91-448-XA:**  
SPECIAL EXCEPTION GRANTED BY BOARD OF APPEALS ON 5/2/92, AND AFFIRMED BY CIRCUIT COURT FOR BALTIMORE COUNTY ON 4/12/93 (CASE NO. 92CV5341). VARIANCES WERE FINALLY GRANTED BY BOARD OF APPEALS ON REMAND FROM CIRCUIT COURT, BY SUPPLEMENTAL OPINION AND ORDER DATED 7/22/93, AND CLARIFICATION OF SUPPLEMENTAL OPINION DATED 8/20/93.

**CASE NO. 95-953-SPH:**  
PETITION FOR SPECIAL HEARING SEEKING APPROVAL OF AN EXTENSION OF TIME IN WHICH TO UTILIZE THE SPECIAL EXCEPTION GRANTED IN PRIOR CASE NO. 91-448-XA, GRANTED MAY 22/1995.

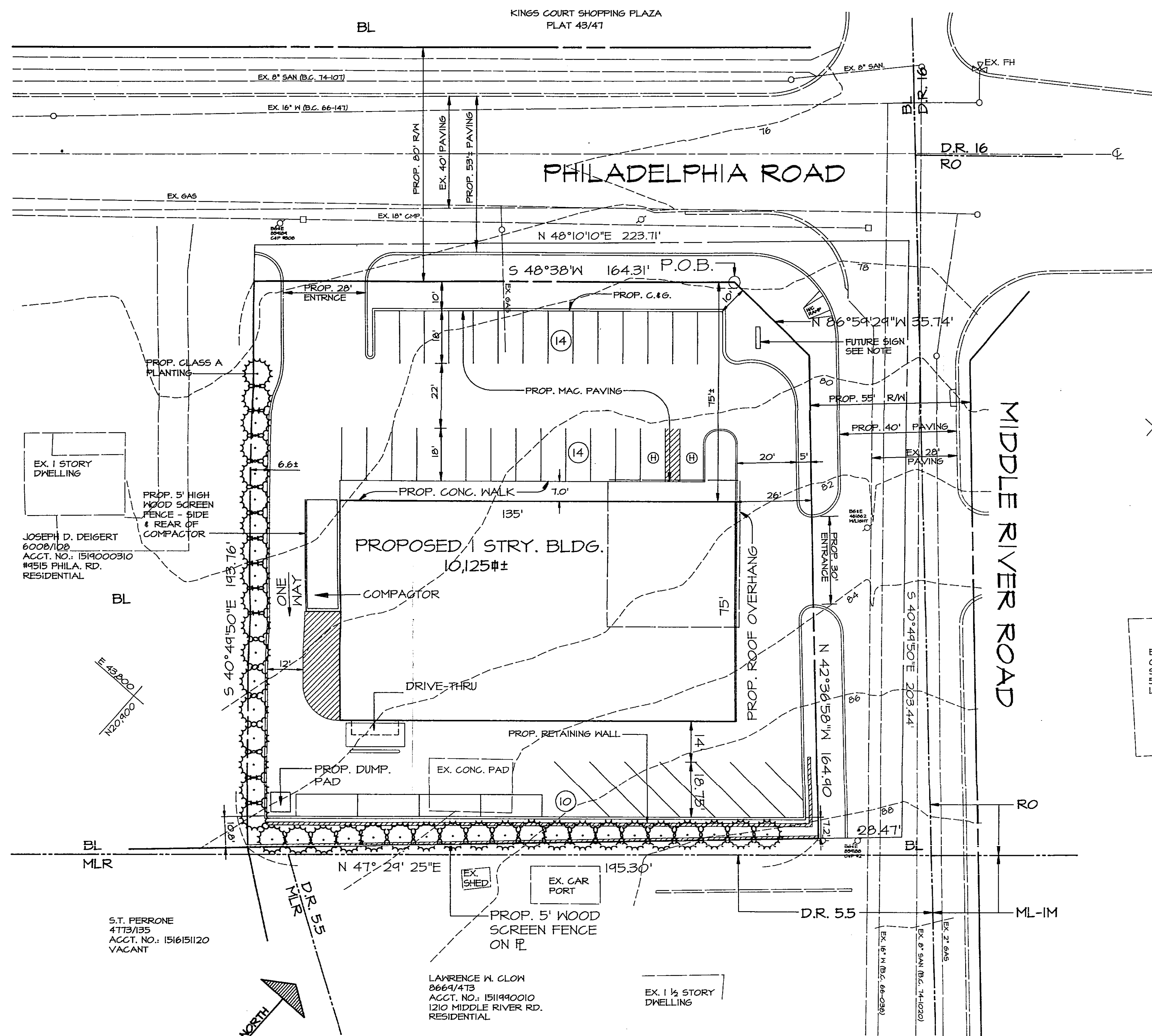
**PLAT TO ACCOMPANY  
PETITION FOR VARIANCES**

**CVS/pharmacy**  
9519 PHILADELPHIA ROAD

PDM #XV-548  
TAX MAP 82, PARCEL 160, GRID 21  
CENSUS TRACT: 4513  
WATERSHED: 6  
ELECTION DISTRICT 15 C5  
BALTIMORE COUNTY, MD  
SUBSENERISHED: 14  
COUNCILMANIC 6

 <b>THOMAS J. HOFF, INC.</b> Land Development Consultants and Landscape Architects 1717 York Rd., Suite 1B Lutherville, Md. 21053 410-628-9225 FAX: 628-9229	REVISIONS:	SCALE: 1"=20'
	DATE: 3/13/97	JOB NO.: 125-01
	DESIGNED: TJH	DRAWN: SLV
	CHECKED:	DRAWING NUMBER: SP-1
	SHEET 1 OF 1	
	E:\DRAWINGS\125.DWG	





# **SITE DATA:**

GROSS SITE AREA: 45,801±=1.051 ACRE±  
 AREA IN HIGHWAY WIDENING: 4,233±=0.212 ACRE±  
 NET SITE AREA: 36,568±=0.834 ACRE±

## **PARKING CALCULATIONS:**

REQUIRED:  
 10,125± @ 51/1000± = 51 SPACES  
 PROPOSED: = 38 SPACES  
 INCLUDES 2 HANDICAPPED SPACES.

## **F.A.R.:**

MAXIMUM ALLOWED = 3.00  
 PROPOSED: 10,125/45,801 = 0.22

EXISTING ZONING: BL  
 EXISTING USE: VACANT  
 PROPOSED USE: PHARMACY

## **LANDSCAPE REQUIREMENT:**

LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.

## **LIGHTING:**

- LIGHT STANDARDS SHALL BE 8' HIGH WITHIN 80' OF RESIDENTIAL ZONE AND 10' HIGH BEYOND 80' OF RESIDENTIAL ZONE.
- ON SITE LIGHTING SHALL BE SO ARRANGED AND SHIELDED AS TO CONFINED ALL DIRECT LIGHT RAYS ENTIRELY WITHIN THE BOUNDARY LINE OF THE SITE AND TO PREVENT REFLECTED LIGHT RAYS FROM SHINING OR GLARING ONTO ANY PORTION OF ANY ADJACENT MOTORWAY OR INTO THE PATH OF ONCOMING VEHICLES.

## **SIGNAGE:**

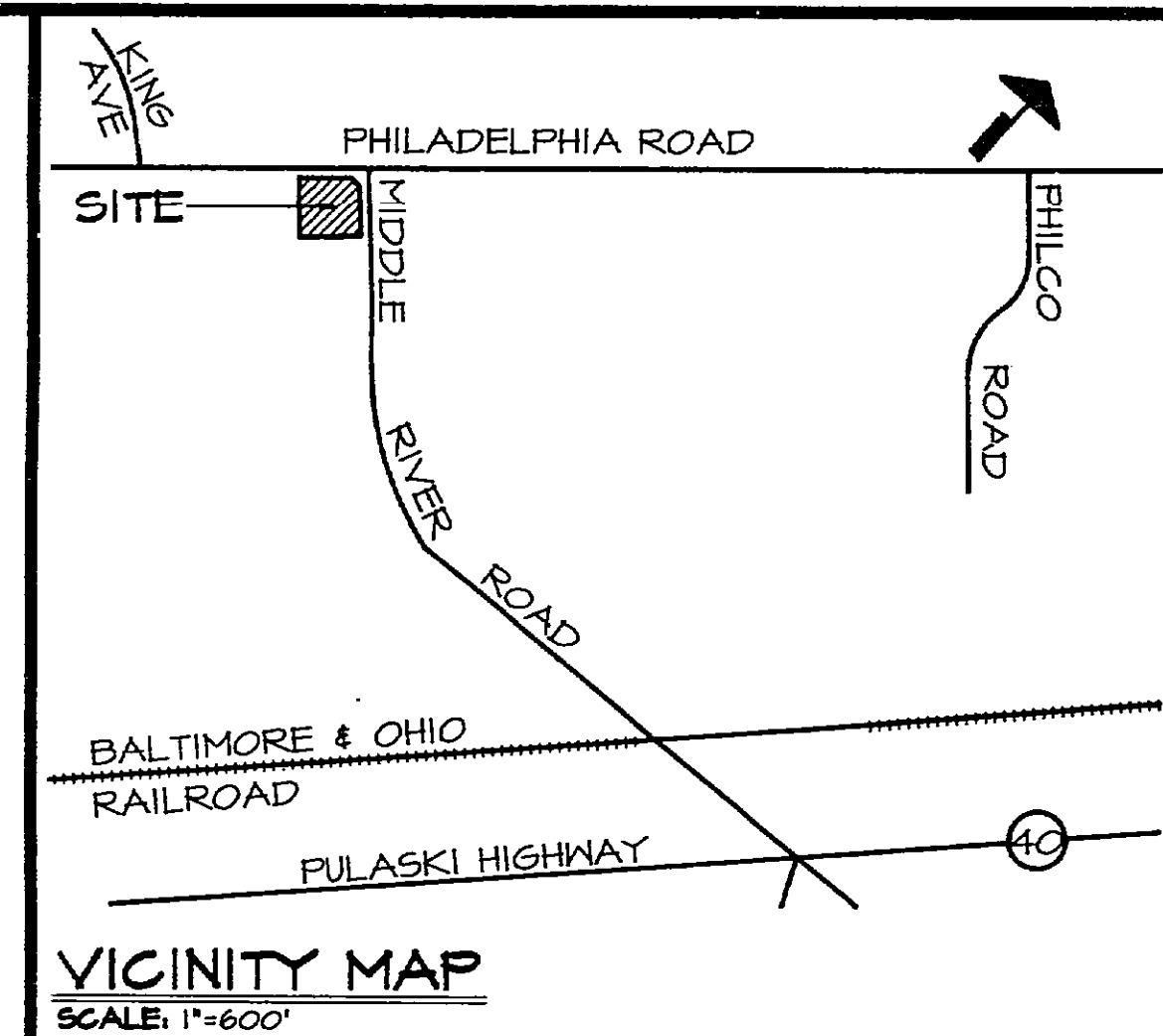
THERE ARE NO EXISTING FREE-STANDING SIGNS ON SITE AND THERE ARE NO PROPOSED FREE-STANDING SIGNS AT THIS TIME. HOWEVER, THE DEVELOPER RESERVES THE RIGHT TO INSTALL A FREE-STANDING SIGN IN THE FUTURE. THE DEVELOPER UNDERSTANDS THAT ANY FUTURE FREE-STANDING SIGN MUST COMPLY WITH SECTION 413.6 (BGRZ). ALL ZONING SIGN POLICIES AND MUST BE ISSUED A PERMIT.

## **NOTES:**

1. NO PREVIOUS COMMERCIAL PERMIT FOR THE PAST 10 YEARS ON THIS SITE.
2. ALL STANDARD PARKING SPACES SHALL BE 8.5'x10'. STACKING SPACES SHALL BE 8.5'x20'. ALL PARKING, LOADING, MANEUVERING AND AISLE AREA SHALL BE PAVED WITH A DURABLE AND DUSTLESS SURFACE OF BITUMINOUS CONCRETE AND SPACES ARE TO PERMANENTLY STRIPED.

## **VARIANCES REQUESTED:**

- ATTACHMENT TO PETITION FOR VARIANCE - 4515 PHILADELPHIA ROAD
1. 401.6A2 TO ALLOW A DRUG STORE WITH 38 PARKING SPACES IN LIEU OF THE REQUIRED 51 SPACES.
  2. 401.6A1 AND SECTION 1X.C.2.b (3) OF THE LANDSCAPE MANUAL TO ALLOW A COMMERCIAL USE WITH A PLANTING STRIP ALONG THE REAR PROPERTY LINE ABUTTING A RESIDENTIAL ZONE WITH A VARIABLE WIDTH OF 1.2' TO 10.8' IN LIEU OF THE REQUIRED 10', AND A SIDE PROPERTY LINE ABUTTING A RESIDENTIAL USE IN A COMMERCIAL ZONE WITH A 6.6' WIDE PLANTING STRIP IN LIEU OF THE REQUIRED 10'.
  3. 401.6A4 TO ALLOW PARKING SPACES IN A SURFACE PARKING FACILITY FOR A NON-RESIDENTIAL USE THAT ARE 5' FROM THE RIGHT OF WAY LINE IN LIEU OF THE REQUIRED 10'.



## **CRS HISTORY:**

PLANNING CRS NO. XY-548  
 PUB. SER. CRS NO. 41-073  
 APPROVED ON 8/13/42 AND 4/22/43 FOR AN AUTO-SERVICE STATION.

## **ZONING HISTORY:**

THIS SITE IS LOCATED ON ZONING MAP N.E. 6-H, BALTIMORE COUNTY.  
**CASE NO. 64**  
 RECLASSIFICATION FROM A RESIDENTIAL USE AREA TO A COMMERCIAL USE AREA FOR SIX TOURIST CABINS.  
 ORDER GRANTED MAY 21, 1940.

## **CASE NO. 41-448-XA**

- SPECIAL EXCEPTION TO PERMIT AUTOMOTIVE SERVICE STATION (GAS N' GO) IN A BL-CNS ZONE, SECTIONS 230.13 & 405.2.B.2.
- SPECIAL EXCEPTION TO PERMIT A CAR WASH AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.4.
- SPECIAL EXCEPTION TO PERMIT A FOOD STORE OF LESS THAN 5000 SF AS USE IN COMBINATION WITH A SERVICE STATION, SECTION 405.4.D.8.
- SPECIAL EXCEPTION TO USE A SMALL PORTION OF THE SUBJECT PROPERTY (PARCEL 1A) ZONED BL AS A CAR WASH (STACKING SPACES ONLY) ACCESSORY TO THE CAR WASH USE IN COMBINATION ON THE SAME SITE.
- VARIANCE FROM SECTION 405.4.B.2 TO ALLOW AN AUTOMOTIVE SERVICE STATION WITHOUT A 10' WIDE PLANTING STRIP ALONG THE REAR PROPERTY LINE ABUTTING A RESIDENTIAL ZONE AND ADJACENT TO THE PROPOSED AND REQUIRED FENCE SCREENING.
- VARIANCE FROM SECTION 413.2.F.4.405.4.B.4 TO PERMIT ONE (1) BUSINESS SIGN OF 200.3 SF IN LIEU OF THREE (3) SIGNS OF 100 SF AS PERMITTED.

ORDER WAS DENIED, 12/1/91.

## **CASE NO. 91-418-XA**

SPECIAL EXCEPTION GRANTED BY BOARD OF APPEALS ON 5/2/42, AND AFFIRMED BY CIRCUIT COURT FOR BALTIMORE COUNTY ON 4/12/43 (CASE NO. 42CV5341); VARIANCES WERE FINALLY GRANTED BY BOARD OF APPEALS ON REHEAR FROM CIRCUIT COURT, BY SUPPLEMENTAL OPINION AND ORDER DATED 7/22/43, AND CLARIFICATION OF SUPPLEMENTAL OPINION DATED 8/20/43.

## **CASE NO. 45-353-SPH**

PETITION FOR SPECIAL HEARING SEEKING APPROVAL OF AN EXTENSION OF TIME IN WHICH TO UTILIZE THE SPECIAL EXCEPTION GRANTED IN PRIOR CASE NO. 91-418-XA, GRANTED MAY 22, 1945.

## **PLAT TO ACCOMPANY PETITION FOR VARIANCES**

**CVS/pharmacy**  
 4519 PHILADELPHIA ROAD

PDM #XY-548  
 TAX MAP 82, PARCEL 160, GRID 21  
 CENSUS TRACT: 4513  
 WATERSHED: 6  
 ELECTION DISTRICT 15 C5  
 BALTIMORE COUNTY, MD

SUBWATERSHED: 14  
 COUNCILMANIC 6

**THOMAS J.  
 HOFF, INC.**

Land Development  
 Consultants  
 and Landscape  
 Architects

1717 York Rd., Suite 19  
 Lutherville, Md. 21093  
 410-628-9225  
 FAX: 628-9229

REVISIONS:	SCALE: 1"=20'
DATE: 5/14/97	JOB NO.: 125-01
DESIGNED: TJH	DRAWN: SLV
CHECKED:	DRAWING NUMBER:
	SP-1
SHEET   OF	
E:\DRAWINGS\125.DWG	

## **OWNER:**

STANLEY LLOYD  
 200 S. MAIN ST.  
 BELAIR, MD 21014  
 DEED REF. #8517/438  
 ACCT. NO. #1507582350

# 395  
 17-2315-A  
 (revision 5/16/97)